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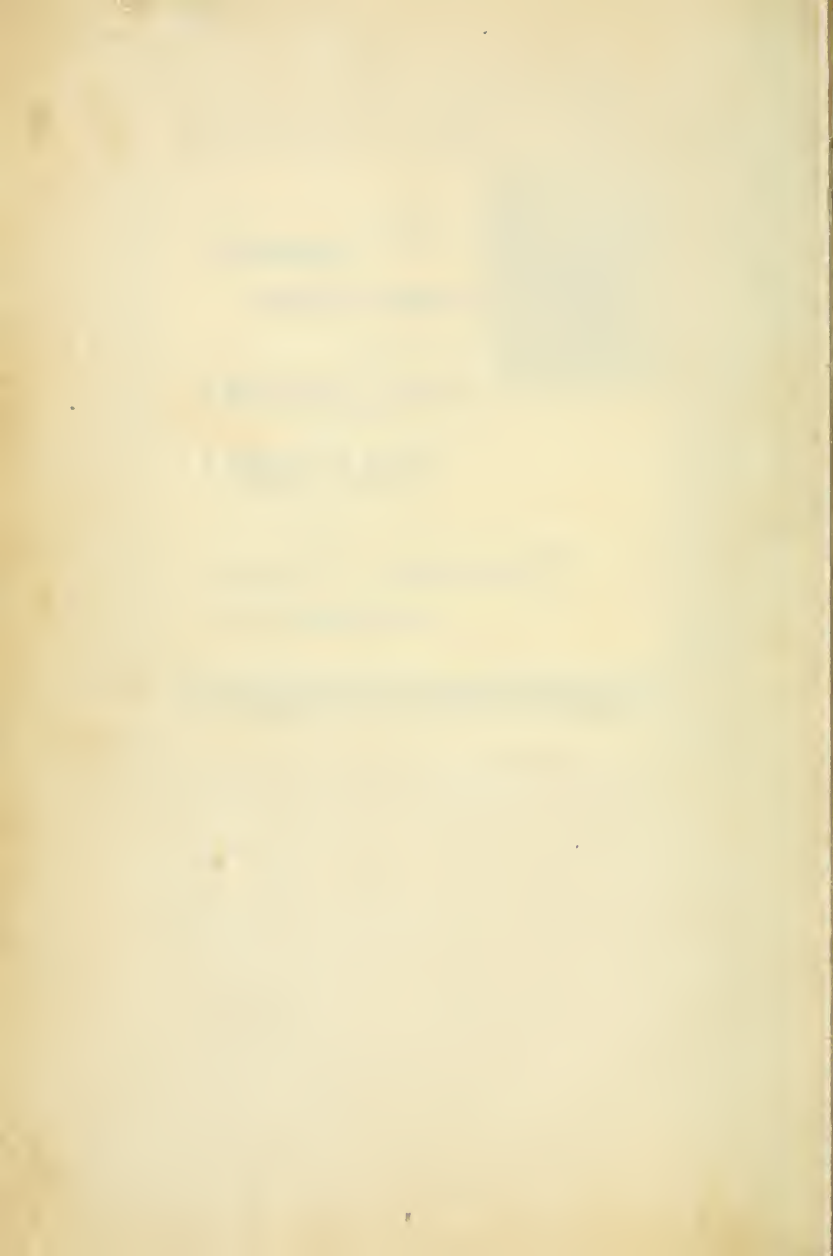
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A
CONSTITUTIONAL
Catechism,

ADAPTED TO ALL RANKS AND CAPACITIES,

ILLUSTRATED WITH

COPIOUS NOTES:

PRINCIPALLY

EXTRACTED FROM THE COMMENTARIES OF THE LATE
JUDGE BLACKSTONE.

TO WHICH IS PREFIXED

An Epistolary Dedication

TO THE

HONORABLE THOMAS ERSKINE, M. P.

BY JOHN ROSE.

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Hon. Thomas Erskine, M. P.

HONORED SIR,

IT is, doubtless, very uncusomary, if not unpolite, to dedicate a publication to a stranger, without permission; but, tho' you are totally unknown to me in person, I have the happiness to be well acquainted with your public virtues, and have, from your patriotic struggles to preserve the Liberty of the Press, your tacit consent to publish any thing (this dedication surely not excepted) which is not injurious to religion, to my country, or to my neighbour: And, in fact, it is this your amiableness as a public character, only, which has prompted me to the present step; I am therefore sensible, that I should have rather incurred the guilt of rudeness, had I solicited your acquiescence, on that ground, and put your modesty to the necessity of denying.

Tho' the greater part of the following Catechism is a mere compilation from the works of that learned Commentator, whose labors have been so eminently useful, both to the law-student and the private reader, I flatter myself, that, in some few instances, I have afforded new light to the latter, and trust that *not all* the former will be offended, because of a particular ignorance, or a want of formal qualification, in the humble instrument: But if only one eminently experienced proficient in that honorable profession should bestow a smile of approbation on my attempt, I would not regard very many of contempt from others: And if that smile should proceed from your philanthropic heart, and your countenance, which I cannot figure to my imagination without a correspondent cheerfulness and benignity, should beam one kind look upon my performance, it would afford me more satisfaction than

the warmest applause from a host of others ; because it is *a reffitude of intention*, alone, which I want to manifelt, on mine own part, and I fincerely believe that no man enjoys it more, or can better difcern it, or its contrary, than yourfelf.

What an unfpeakable happinefs it is, Sir, that, notwithstanding the alarming ftrides which the dæmon of arbitrary power has fo often made through this kingdom, with the diabolical view to deftroy that glorious *proof* of our political freedom, which enables us to receive and communicate knowledge upon all fubjects, fo that it be accompanied with no *intended* injury to civil fociety, it ftill fo forcibly and exemplarily exifts, that our holy religion may be made as fully known to the peafant as the Prelate ; whilst all the formerly pretended myfteries of Government are thereby totally exploded, and the leading motions of the political machine, or, more properly, the fixed laws and maxims of the focial compact, are fo fimplified and explained, that they may be as well underftood in the cottage as in the Court. — And why fhould it be thus ? Becaufe every man has an indubitable intereft both in the one and in the other. Not only fo, but in every other fubject, matter, or thing, which has regard to the commonwealth.

My defign, in the following pages, is not merely to communicate a knowledge of the foundation and ftructure of our unrivalled Conftitution to thofe who have, confeffedly, never ftudied them ; but alfo to fet thofe perfons right (and they are very numerous) who fancy themfelves perfect mafters of the fubject, generally for no better reafon than that they warmly and uniformly efpoufe the political intereft of this, that, or the other conspicuous partizan ; and, too frequently, engender contention, diflike, and animofity, on pofitions which they take for granted muft be true and good, becaufe they are advanced by their refpective favorites.

It is much to be lamented, Sir, that even our gentry (may I not, without offending Truth, include fome of our Legislators, in

both Houses?) who have both ample means and as ample opportunities to make the Constitution a favorite study, too often totally neglect it, and substitute, in its stead, the fallacious and dangerous enthusiasm of party spirit.

Had we lived in the last century, when a Monarch, puffed up with the fanatical and absurd idea of his being placed on the throne by divine right, or the immediate and peculiar will of Heaven, impiously dared to tell the free people of this nation, that it was as much presumption and sedition in a subject to dispute what he might do, in the height of his regal power, as it would be atheism and blasphemy in a creature to dispute what Almighty God might do,—I should be apt to suppose, that people dreaded to look into the principles of *their own Government*, lest they should draw down the anger of that pretended Vice-Gerent of their Maker. —But living, as we do at present, under a Monarchy established and limited by the Parliament, or Supreme Legislative Power, no such dread can be made a plea of; if indeed it might have been admitted as such, even at that time, or at any other, for the shameful pusillanimity of a Briton.

I should rather presume, that the peculiar excellence of the present form of Government, the blessings it secures to all, added to the individual excellency of the august personage who fills the highest seat therein, ought to excite persons of all ranks to be as perfectly acquainted with it as possible; not merely that they might the more admire and revere it, but that they might be the better enabled to maintain it, and to prevent its abuse, upon every occasion; whereas, by neglecting so needful an acquisition, too many have contributed their strength to wound the Constitution, when, with the utmost zeal and earnestness, they have meant its melioration and support.

If it should be asked, how such a trifling compilation as the following can prevent this misfortune for the future, I would

reply, that, small as it is, it contains so comprehensive, just, and faithful a delineation of the true principles of the Constitution, that no one who reads it, attentively, can mistake it in any instance; and, from its size and perspicuity, is more likely to be generally read than any of the voluminous and more complex treatises upon the subject which are already extant.

In truth, Sir, I could wish that the elementary principles of the Constitution were taught in our schools, as those of religion and morality are; and I am positive, that the generality of the nation would be far more ready to defend it, from an habitual acquaintance with its real value, than from the zeal (too often an injurious one) with which they are occasionally inflamed by one set of men, or from the despondency and clamors which are ever and anon excited by others.—I could fervently desire, that all my fellow-subjects were not merely allowed (they are too often rather *impelled*) to think for themselves, but enabled *to judge*, for themselves, both with propriety and certainty, on every occasion which so nearly concerns them; they would not then be so liable to be worked up by those, who, from the love of power, or ambition, or worse motives, play so artfully, so often, and so effectually, upon their passions.

I have not concealed the blemishes which have been caused in the beautiful fabric I have treated of; nor have I harped upon them: To cloke them would be to deceive, and to withhold a warning from many of my countrymen, especially against innovations; the *principal* of which, since the Revolution, I mean the abolishing the frequency of Parliaments (one of our ancient birth-rights) and introducing the septennial act, has been the chief cause of almost all the others, — particularly that great increase of the influence of the Crown (or rather of its servants) so injurious both to the Sovereign and the people; for altho' that influence had increased to a considerable stream before the period alluded to, it has since rapidly swelled to an awful and tremendous sea. — To dwell upon them, might tend rather to create an umbrage

with respect to particular circumstances, than to raise an admiration of the whole; to which those blemishes (however seriously we may lament them and wish their removal) are no more than as “ *the spots upon the sun’s disk*” to its glorious surface.

Some persons, and, perhaps, even you, Sir, may think that I have dwelt rather too long, *in proportion*, on the subject of religion; but I have persuaded myself, that *you* will not censure me on that account; because I read some of your speeches with a satisfaction similar to that which ever accompanies my perusal of Thompson’s Seasons, and which is occasioned by the involuntary flow of *piety* ever attendant on the effusions of a mind religiously disposed: I trust, also, that all my other readers will forgive this fault, if it be one, when I tell them, that I have been the more zealous to display the guardianship which our Constitution exercises for the security of the Christian Church, on account of my having been nearly seduced from it, through being acquainted with a very learned Philosopher, who, whilst he essayed to enlighten mine understanding with respect to the stupendous and astonishing works of our Creator, failed not, all that in him lay, to wean me from a belief in the most stupendous and astonishing of all, — the redemption of mankind. — With a regard to the toleration of different *modes* of exercising our religion, both you and them will find, that I am (as far as the safety of that religion warrants) for doing unto all men as I would they should do unto me; though I have been obliged to represent the principles of the Constitution, on that head, *exactly* as they are.

I believe that I should have been somewhat more prolix on a few other heads, but that I did not think the present altogether the proper season; I mean, particularly, the keeping up large standing armies in times of peace, and the impressing of seamen in times of war: I have, however, said sufficient to give the reader a just idea of what the *spirit* of our Constitution breathes upon those subjects, especially the first of them.

I know not how I can better conclude this unusually long dedication, than by expressing my ardent desire, that all our fellow-subjects may entertain the same well-grounded zeal for the preservation of the Constitution which is so eminent in you, Sir ; and that neither prejudice, ignorance, nor persecution, may ever hinder any from following so bright, so illustrious an example.

With the utmost deference, I subscribe myself,

Honored Sir,

Your most humble and obedient servant,

JOHN ROSE.

BRISTOL, MARCH 27, 1795.



A CONSTITUTIONAL C A T E C H I S M.

Q. **W**HAT is a free State ?

A. A multitude of persons united for their common safety, convenience, and benefit; acting, together, as an individual would for his own separate interest.

Q. What is a free Government ?

A. The collected or *social* will of such multitude.

Q. How is that will collected or obtained ?

A. By each individual giving up a portion of his *natural* will ; thereby empowering, and entrusting, one or more persons in the community to make and administer LAWS for the good of all.*

* “ The absolute rights of man, considered as a free agent, “ endowed with discernment to know good from evil, and with “ power of choosing those measures which appear to him to be the “ most desirable, are usually summed up in one general appella- “ tion, and denominated the natural liberty of mankind. This “ natural liberty consists properly in a power of acting as one “ thinks fit, without any restraint or control, unless to the law “ of nature ; being a right inherent in us by birth, and one of “ the gifts of God to man at his creation, when he endued “ him with the faculty of a free-will. But every man, when “ he enters into society, gives up a part of his natural liberty, as “ the price of so valuable a purchase ; and, in consideration of “ receiving the advantages of mutual commerce, obliges himself “ to conform to those laws, which the community has thought “ proper to establish. And this species of legal obedience and “ conformity is infinitely more desirable than that wild and sa- “ vage liberty which is sacrificed to obtain it. For no man, that “ considers a moment, would wish to retain the absolute and “ uncontrolled power of doing whatever he pleases ; the con- “ sequence of which is, that every other man would also have “ the same power : and then there would be no security to in- “ dividuals in any of the enjoyments of life. Political there- “ fore, or civil liberty, which is that of a member of society, is “ no other than natural liberty so far restrained by human laws “ (and no farther) as is necessary and expedient for the general “ advantage of the public. — BLACKSTONE.”

Q. What are the forms by which Governments are distinguished ?

A. Monarchy, Aristocracy, and Democracy. *

Q. What is a Monarchical Government ?

A. When the power of making and enforcing laws resides in one man.

Q. What are the benefits peculiar to a Monarchical Government ?

A. It is the most powerful, speedy, and secret, being directed by the will of an individual; having nothing to check, counteract, delay, or oppose it.

Q. What is the evil attendant on a Monarchical Government ?

A. The improper employment of its strength; either to the injury of individuals, or of the community, for whose good it was instituted. This is commonly termed, tyranny.

Q. What is an Aristocratic Government ?

A. When the power of making and enforcing laws resides in certain select or privileged persons.

Q. What is the benefit peculiar to an Aristocratic Government ?

A. Its being composed (as, at least, is always intended or supposed) of the wisest, most discreet, and substantial citizens: Having, on the one hand, the greatest abilities to govern the State, and, on the other, the greatest interest in it.

Q. What are the evils attending an Aristocratic Government ?

A. It is liable to weakness, from the jarring interests and wills of its members; to a variety of tyrannies, from each having, or assuming, some greater, some lesser, degrees of *personal* ascendancy; and to hypocrisy, by pretending the good of the people, while it is pursuing its own aggrandizement to the injury of the community.

Q. What is a Democratic Government ?

* With the ancient Jews, there was a *Theocracy*, or an immediate Government by the Almighty; and which other nations have since *pretended* to.

A. When the power of making and enforcing laws resides in *all* the free members of a State.

Q. Who do you mean by free members ?

A. All the males, of age and ability ; all who have a will of their own, to contribute to the social will : — From which description all criminals, bond-men, idiots, and such poor persons as are actually burthensome to the community, are necessarily excluded.

Q. What are the benefits peculiar to a Democratic Government ?

A. Public virtue ; goodness of intention ; the mutual, impartial, and general interell of the community.

Q. What are the evils attendant on a Democratic Government ?

A. Want of secrecy ; individuals degenerating into aristocratic principles ; thence, breach of trust, jealousy, contention, anarchy, and confusion.

Q. Is the Government of our State Monarchial, Aristocratic, or Democratic ?

A. It is happily compounded of all those forms ?

Q. What are the benefits peculiar to such a compound ?

A. It combines the power of Monarchy, with the interest and wisdom of Aristocracy, and the public virtue of Democracy.

Q. What preventative is there, that the evils usually attendant on these forms, separately, do not operate here, to the national wrong ?

A. Each is a check upon the other : Neither part can make and enforce laws without the consent of the others.

Q. Is not this mixed Government peculiar to Great-Britain ?

A. It is ; and has, at various times, excited the wonder, the admiration, the contempt, the envy, the speculations, and the perditions, of politicians, in various countries.

Q. Is such a mixture generally understood to be lasting and secure ?

A. TIME, the most sure and certain oracle for deciding such a question, informs us, that it has long existed : And when

we consider how many Republics, Aristocracies, and Monarchies, have been annihilated, subjugated, or corrupted, since the date of our Government, we have every reason to add our expectation to our wishes, that it will long, very long, continue.*

Q. Wherein consists the supreme power in Great-Britain ?

A. In two parts : Namely, the Legislative and Executive.

Q. Which of them is the greatest ?

A. The Legislative ; because that which makes the law must be before that which executes it.

Q. Wherein consists the power of the Legislature ?

A. It has the absolute and unlimited power of making, repealing, restraining, reviving, and declaring LAWS, of every description ; spiritual and temporal, civil and military, criminal and penal. — It can regulate or new model the whole form of Government. It can establish, allow, prohibit, and tolerate what national religion it pleases ; and alter, confirm, revoke, or strengthen the same, at pleasure. In short, it is possessed of that uncontrollable WILL, which, in all effectual Governments, must reside *somewhere* ; and which the people of this country have wisely entrusted to the Legislature.

Q. Is that power assumed, or granted ?

A. It is a trust reposed.

Q. Can the people at any time revoke that trust ?

A. If ever it can be revoked, it must be only at such a period, as, it is to be hoped, never will occur ; viz. when, by its *abuse*, the general safety and well-being of the state may be in danger ; or when the happiness and prosperity of the people shall cease to be its object.

“ * The Constitutional Government of this island is so admirably tempered and compounded, that nothing can endanger or hurt it, but destroying the equilibrium of power between one branch of the Legislature and the rest. For if ever it should happen that the independence of any one of the three should be lost, or that it should become subservient to the views of either of the other two, there would soon be an end of our Constitution.” BLACKSTONE.

Q. Can any individuals, or partial societies, determine the necessity of such revocation ?

A. No. As it is a trust granted by the *general* or *social* WILL, so that WILL alone can determine the necessity of its revocation.*

Q. What is the Legislative power termed ?

A. The King, Lords, and Commons of Great-Britain, in Parliament assembled.

Q. Which of these is the principal branch ?

A. The King ; as being superior to both Houses in dignity, and the only branch of the supreme Legislative power that can perform any act when there is no Parliament in being.

Q. What are the functions of the King, in his Legislative capacity ?

A. Besides that of giving his Royal assent to all acts of the other branches of the Legislature, before they can become *law* ; he has the sole power of summoning the Lords and Commons to meet in Parliament ; also of preroguing and dissolving it ; and, upon the signification of his Royal pleasure, both Houses are occasionally adjourned.

Q. Does the King always give his assent in person.

A. No : He frequently notifies it, by Commissioners, specially appointed, by Letters Patent, under his Great-Seal.—In case of extreme illness, it has been notified by the affixing of the Great Seal only.

Q. Of whom does the House of Lords consist ?

A. Of the Archbishops, Bishops, and all the Peers of the Realm ; commonly called the Lords Spiritual and Temporal.

Q. What is their number ?

* “ Whenever a question arises between the society at large
“ and any magistrate vested with powers originally delegated by
“ that Society, it must be decided by the voice of the society
“ itself : There is not on earth any other Tribunal to resort to.”
—BLACKSTONE.

A. It is unlimited : The King having always the power to create as many new Peers as he pleases.*

Q. Do all the Peers sit by creation ?

A. No. Most of them sit by descent, the Peerage being hereditary ; and sixteen are elected, every new Parliament, to represent the Peerage of Scotland.

Q. What are the peculiar customs of the House of Lords, in its Legislative capacity ?

A. All bills which relate to the Peerage are, by custom of Parliament, to have their first rise and origin in this House ; the Lords not suffering any amendments to be made in the Commons. Every Lord can vote by proxy ; and may enter his dissent, on the Journals, to any vote which has passed contrary to his sentiments.

Q. Is there nothing else peculiar thereto ?

A. Yes. It is attended by the Judges, and others learned in the law, for the sake of advice, and the greater dignity of their proceedings.

Q. Are not the Peers of the Realm the hereditary Counsellors of the Crown ?

A. Yes. They have the right not only to advise respecting the exercise of the Royal Prerogative, when in Parliament assembled, but may individually give advice to the Monarch, when occasion warrants.

Q. By what titles are temporal Peers distinguished ?

* “ In the reign of King George the first, a bill passed the House of Lords, and was countenanced by the then Ministry, for limiting the number of the Peerage. This was thought by some to promise a great acquisition to the Constitution, by restraining the prerogative from gaining the ascendant in that august assembly, by pouring in at pleasure an unlimited number of new created Lords. But the bill was ill-relished and miscarried in the House of Commons, whose leading members were then desirous to keep the avenues to the other House as open and easy as possible.” —BLACKSTONE.

A. By such as antiently denoted the duties* of their appointments, viz.

1. Dukes ; who antiently were Commanders or Leaders of armies.

2. Marquisses ; who guarded the Marshes, which were the frontiers, when Scotland and Wales were considered as inimical countries.

3. Earls ; who were chosen as the *ealder*, or elder-men, among our Saxon ancestors ; and had the civil government of certain divisions and shires ; but who, after the Norman Conquest, were called Counts, or *Countees* ; and Earls, or *Comites*.

4. Viscounts ; similar *in name* to the ancient *Vice-Comes*, or Earl's Deputy (an office which has now devolved on the County Sheriff ;) but the title being of origin so late as Henry VI. never had any duty annexed to it.

5. Barons ; by whom were antiently understood the Lords of manorial Courts, or Courts Baron, by whom jurisprudence was exercised.

At present all names by which the Peerage are distinguished are understood as mere titles of Honor.

Q. Who presides in the House of Lords ?

A. The Lord Chancellor, or Keeper of the King's Great Seal.

Q. Does he give his opinion, and argue in the debates of the House, as another member ?

A. Yes.

Q. To whom do the Lords in Parliament address themselves in debate ?

A. To the Lord Chancellor, or to such other Lord as may officiate as Speaker, in his absence.

Q. How is the sense of the House of Lords obtained ?

A. By a majority of votes, openly and publicly given.

Q. Of whom does the House of Commons consist ?

* (For dignity and duty were never separated by our ancestors.)"—BLACKSTONE.

A. Virtually of all the Commons of Great-Britain : Actually, of 513 English Representatives and 45 Scots ; making together 558 persons.

Q. Why is that House not actually, as well as virtually, composed of all the Commons of Great-Britain ?

A. Because from their numbers it would be impossible for them to perform the Legislative duties in person.

Q. What do you mean by virtually ?

A. It is said to be virtually the whole, because the 558 Representatives are supposed to be freely chosen, by all the Commons, to co-operate, in their stead, with the King and House of Lords.

Q. Is then every Commoner of Great-Britain understood to be virtually present in the House of Commons ?

A. Every Commoner of age and ability is.

Q. Are the Representatives of the people chosen in equal proportion to the number of their Constituents ?

A. No. No county sends more than two members to Parliament. The city of London, the great metropolis of the Kingdom, sends only four. The popular cities of Westminster, Bristol, Norwich, &c. send only two each ; whilst as many are deputed by the almost totally deserted borough of Old Sarum, and many others, where there are but very few electors.

Q. What are the names by which these Representatives are returned to Parliament ?

A. The Representatives of counties are called Knights ; those of cities and boroughs, Citizens and Burgesses.

Q. What are the peculiar customs of the House of Commons ?

A. They claim the privilege of holding the public purse. — They will not pass a money bill (or bill to levy taxes) which originates in the House of Lords ; nor will they suffer the other House to make any alteration in such bill. They settle all matters in dispute between their own body ; such as controverted elections, &c. They are also the Grand Inquest of the Nation,

alone determining who shall be impeached for high crimes and misdemeanors.

Q. Are there any populous towns, or large bodies of people, of age and ability, who have no votes for Representatives ?

A. Yes. The very populous towns of Birmingham, Manchester, &c. and vast numbers of persons throughout the kingdom ; by far the greater part of the nation.

Q. Are such bound by the laws agreed to by the Representatives chosen by others ?

A. Yes. Because the Representatives do not merely represent those by whom they are actually chosen, but *virtually* all the Commons.

Q. Are those Commoners who have the privilege of voting for Representatives more meritorious than those who have not, that they are thus entitled to the exclusive right of chusing for the rest ?

A. No.

Q. Why then are not the rest placed on the same footing with privileged Commoners ?

A. The distinction is pretty generally understood as an evil ; but it has been so long established by usage, antient innovations, &c. that, however reprehensible it may or may not be, it would require the most transcendant abilities to correct it. The right of many thinly inhabited places being secured by antient Royal charters ; others claiming as being summoned in former times, when they were places of some note ;* and others involving the *personal* interests and fortunes of some of the most eminent per-

* “ As trade is of a fluctuating nature, and seldom long fixed
 “ in a place, it was formerly left to the Crown to summon, *pro*
 “ *re nata*, the most flourishing towns to send Representatives
 “ to Parliament. So that as towns increased in trade, and grew
 “ populous, they were admitted to a share in the Legislature.
 “ But the misfortune is, that the deserted boroughs continued
 “ to be summoned, as well as those to whom their trade and in-
 “ habitants were transferrable ; except a few which petitioned to
 “ be eased of the expence, then usual, of maintaining their
 “ members : Four shillings a day being allowed for a Knight of

sonages. Therefore, though several persons of great talents have attempted to introduce the much desired reformation, the interests of the proprietors of boroughs, the opposition of ministerial influence, and the change of sentiments in persons in and out of place, have, at various times, counteracted their endeavors. — Perhaps a dread that a partial cure would be worse than the disease, and the danger of probing the wound to the bottom, have confirmed many in the opinion, that it were better left alone.

Q. Is not the evil, in the mean time, liable to become, if not actually becoming, still worse ?

A. Undoubtedly. Borough-mongering especially, is fast approaching to a systematic and regular traffic.

Q. What do you mean by Borough-mongering ?

A. Buying and selling such property in boroughs as gives influence sufficient to return members to Parliament.

Q. Are not some persons disqualified from voting by the statute law ?

A. Yes. Persons employed in the Excise and Customs.

Q. What is the *political idea*, under which the greater part of the Commons are disqualified to vote for their Representatives ?

A. It was originally intended, that those only should be disqualified who had no will of their own ; as such were supposed liable to be under some influence, which would give those on whom they were dependent a greater weight and strength than was consistent with general liberty.

Q. Are then all who have votes the most independent Commoners ?

A. In counties they sometimes are ; but in most instances they are not only the most indigent and dependant (actual pau-

“ the Shire, and two shillings for a Citizen or Burgefs : Which
 “ was the rate of wages established in the reign of Edward III.
 “ Hence the members for boroughs now bear above a quadruple
 “ proportion to those for counties, and the number of Parlia-
 “ ment-men is increased, since Fortescue’s time, in the reign of
 “ Henry IV. from 300 to upwards of 500, exclusive of those
 for Scotland.” BLACKSTONE.

pers excepted) but the most abandoned and corrupt ; frequently selling their votes for less than a mess of pottage : Whilst a great majority of the more respectable and independent people, are represented by persons elected by such corrupt and mercenary suffrages.

Q. What then is the security to the people, that their Representatives, when thus chosen, will not act contrary to the interests of the Democracy, by being too subservient to the Monarchy and Aristocracy ?

A. Being themselves a part of the Democracy, however chosen, it is (or should be) their constant individual and personal interest to preserve the dignity and political consequence of the Commons.

Q. Are there no laws to prevent undue influence, bribery, and corruption, at the election of Representatives ?

A. Yes : Many. — No Candidate can, by law, give any money or entertainment, or promise of such, to the electors. No Peer of the Realm can legally interfere in the election of Commons. — Sheriffs, and other returning officers, are required to take the oaths against bribery and corruption, and for the due execution of their offices. — No soldiers are to be quartered, during an election, in the town or place where such election takes place. — And, among a variety of other intended preventatives, every elector is compellable to take the oath against bribery and corruption.

Q. Are the Candidates compellable to the same oath ?*

A. No. They are only liable to be sworn to their qualifications, which in no wise appertains either to their virtues or their mental abilities ; but merely, for a Knight, having a clear estate of £600 per annum, and for a Citizen, or Burgess, £300 per annum.

Q. What else can disqualify a candidate from being elected and sitting as a Representative in Parliament, besides his want of the necessary estate ?

* Judge Blackstone observes, that in all probability, the administering it to the members elected would be much more effectual than its being taken by the electors.

A. Statute 14 George III. c 58, enacts, that no persons concerned in the management of any duties or taxes created since 1692, except the Commissioners of the Treasury, nor any of the officers following (*viz.* Commissioners of prizes, transports, sick and wounded, Wine licences, Navy, and victualling; Secretaries or receivers of prizes; Comptrollers of the army accounts; Agents for regiments; Governors of plantations and their Deputies; officers of Minorca and Gibraltar; Officers of the Excise and Customs; Clerks or Deputies in the several offices of the Treasury, Exchequer, Navy, Victualling, Admiralty, pay of the Army or Navy, Secretaries of State, Salt, Stamps, Appeals, Wine licences, Hackney Coaches, Hawkers, and Pedlars;) nor any persons that hold any office under the Crown created since 1705, are capable of being elected or sitting as members. No person having a pension under the Crown during pleasure, or for any term of years, is capable of being elected or sitting. And if any member accepts an office under the Crown, except an officer in the Army or Navy accepting a new Commission, his seat is void; but such member is capable of being re-elected.

Q. Do these restraints effectually, and at all times, prevent all the Representatives from being corrupted?

A. "The depravity of human nature" is such, that it would be hazarding the Truth to reply in the affirmative.

Q. How often are new Parliaments called?

A. By antient statutes they were to be called every year; and, "*if need be,*" oftener: But wicked Princes, taking advantage of the vague expression "*if need be,*" frequently neglected calling them at all, chosing rather to govern the free people of this realm by their own arbitrary authority and self-will, which occasioned resistance, many and dire conflicts and contentions, and much blood shed — To remedy which, in the 16th of Charles II. it was enacted, that the holding of Parliaments should not be intermitted above three years, at the most. By statute of 1. William and Mary, it is declared, as *one of the rights of the people*, that for the *redress* of all grievances, and amending,

strengthening, and preserving the laws, Parliaments ought to be held “ frequently.” But the word “ frequently,” was afterwards reduced to a certainty, by statute of 6 William and Mary, which enacted (as did that of Charles II.) that a “ *new*” Parliament should be always called within three years.

Q. What are the advantages resulting from frequent Parliaments?

A. The members of a Legislative assembly liable frequently to return into the common mass of citizens, to be governed by laws which they have actually co-operated in making, are most likely to pass only such laws as are good ; and are less liable to *undue influence* than an assembly capable to sit for a long period, or for life.

Q. Are Parliaments now of a short duration?

A. No. Not at least in the antient sense of the word.— They are now liable to sit for seven years.

Q. Is not a seven years’ Parliament contrary to the statute of William and Mary?

A. Yes. But in perfect conformity to what is sometimes called the omnipotence of Parliament: The King, Lords, and Commons, in Parliament assembled, having a power to pass what laws they please ; and, as a *proof* of that power, by statute 1 George I. the same House of Commons, which had been delegated by the people to represent them for three years only, passed the act to enable themselves to retain their seats for seven.

Q. Would not the same power enable the Representatives to sit for life, or to make the representation hereditary?

A. Yes. If the House of Commons should ever pass a bill or bills, for those purposes, which should receive the sanction of the other two branches of the supreme Legislative power, it would be then *law* ; as the septennial act is now.

Q. Would not, in such case, the original principles of the Government be so subverted, that the Democracy would be thereby extinct?

A. Yes. The House of Commons would then, to all intents

and purposes, be degenerated into a secondary branch of the Aristocracy.

Q. Is the conduct of a Representative liable to the censure of his constituents ?

A. Yes : Though it is seldom expressed but by rejecting him at the next election.

Q. Can a member of the House of Commons vote by proxy ?

A. No. He is himself only a proxy.

Q. Who presides in the House of Commons ?

A. A Speaker ; who is chosen by the members, out of their own body : but must be approved of by the King.

Q. Does he argue in the questions debated in that House, as another member ?

A. No. He usually speaks only with respect to the formalities and standing orders of the House.

Q. To whom do the members of the House of Commons address themselves ?

A. To their Speaker.

Q. In what manner is the sense of the House of Commons obtained ?

A. By a majority of votes, openly and publicly given ?

Q. How are laws made ?

A. Such members, of either House, as think proper, move for leave to bring in a bill (if of private nature, a petition must be presented;) and, if leave be given, it is presented to the House, in proper time, with a number of blanks, for such dates, sums, penalties, &c. as the Parliament shall think proper. (If it originates in the House of Lords, and is of a public nature, it is referred to the Judges, to examine and report upon the facts alledged, and to settle all points of technical propriety.) This bill is read a first time ; and then, or at such future time as the House agrees to, is read a second time. — After each reading, the Speaker puts the question, whether it shall proceed any further. After the second reading, it is referred to a Committee, either select or of the whole House, as may be agreed ; in matters of great moment generally the latter ; in which case the Speaker quits the

Chair (another member being appointed Chairman) and debates as a private member. — In the Committee the bill is read, and generally debated clause by clause; which clauses are either to stand, or are amended, or rejected: the blanks are filled up; and, not seldom, the bill is in part, or almost entirely, new modelled. The Chairman reports the bill to the House in the state it then is (the Speaker having previously retaken the Chair;) it is then reconsidered, and the question repeatedly put upon every clause and amendment. When the amendments are either agreed to or disagreed to in the House, others are sometimes made. — The bill is then engrossed. It is afterwards, at a period appointed by the House, read a third time, and amendments are then frequently made to it. If a new clause be then added, it is called a *ryder*; being tacked on to the bill on a separate piece of parchment. The Speaker finally reads the contents, and, holding it up in his hands, puts the question whether the bill shall pass. Its title is then settled. — Afterwards it is carried, by one or more of the members, to the other House of Parliament, for its concurrence. It there passes through the same forms. If any amendments are made therein, it is returned to the House in which it originated, for its concurrence. When both Houses have agreed to the passing of the bill, it remains with, or is sent to the House of Lords, to wait the Royal assent; except money bills, which, after receiving the concurrence of the House of Lords, are sent back to the Commons, to be presented to the King, by the Speaker. But in any stage of the business, if a majority, in either House, objects either to the introduction, or any other part of the bill's progress, it is totally set aside, at least for that session.

Q. In what language is the Royal assent given?

A. In Norman French.

Q. What are the words made use of, when rendered into English?

A. To a public bill, the Clerk declares, in French, that "*The King wills it so to be.*" To a private bill, "*Be it as it*

" *is desired.*" To a bill of supply, or money-bill, "*The King thanks his loyal subjects, accepts their benevolence, and wills it to be so.*"

Q. Why is the Royal assent pronounced in Norman French?

A. It is only a custom; but which may well serve to put the nation in mind of the conquest of this country by the Normans; and be "a solemn memento to remind us, that our liberties are mortal, having once been destroyed by a foreign force."

Q. As the whole nation is bound by the laws made in Parliament, how are those laws made known to it?

A. Legally speaking, every man being *virtually* a party to the making of a law, and present thereto by his Representative, or Attorney, there is no occasion for its being formally promulgated. But as that is not *actually* the case, the laws were formerly published by the Sheriff of every county, by proclamation, at his county-court; and they are now printed, by the King's Printer, and copies may be purchased by all who have inclination and ability.

Q. Can a Parliament, in any instance, be revived, after its dissolution?

A. Yes. In case of the King's demise, if there be no Parliament, the members of the last Parliament are forthwith to assemble, and be again a Parliament; lest there should arise any inconvenience, from having no Parliament in being, in case the succession should be disputed.

Q. In case of the King's demise, if there be a Parliament then in existence, is it immediately dissolved?

A. No. Though the King be a part, and the head of the Parliament, yet, upon his demise, the whole body does not immediately become extinct, but exists six months longer, unless sooner prorogued or dissolved by the successor to the Crown.

Q. Is there any other possible case in which Parliament may be assembled without the Royal summons?

A. Yes: In extreme necessity; "which supercedes all law;" as in the reign of King Charles II. the Convention Parliament met above a month before his return, and sat full seven months

after the reſtoration. As alſo, both Houſes met in Convention upon the abdication of the Government by King James II. which Convention has been declared, by ſtatute 1 William and Mary, to have been really the two Houſes of Parliament, notwithſtanding the want of writs, or other defects in form. And ſince that period, both Houſes have met, during the extreme illneſs of the Monarch.

Q. In whom is the executive branch of the ſupreme power veſted ?

A. In the King.

Q. Is the Monarchy hereditary or elective ?

A. Hereditary ; but the inheritance is ſubject to Parliamentary limitation.*

Q. What are the chief or principal duties of the King ?

A. To protect his people, and to govern them according to law.

Q. Is then the law ſuperior to the King ?

A. The King is *created* by the law.

Q. Does the preſent illuſtrious Royal family poſſeſs the Throne under pretext of Divine Right, as was formerly fanatically aſſerted by another family ?

* Particularly, by the ſtatute of 1 William and Mary, ſt. 2. c. 2. it is enacted, that every perſon who ſhould be reconciled to, or hold communion with, the ſee of Rome, ſhould profeſs the Popiſh religion, or ſhould marry a Papiſt, ſhould be excluded and for ever incapable to inherit, poſſeſs, or enjoy, the Crown ; and that in ſuch caſe the people ſhould be abſolved from their allegiance, and the Crown ſhould deſcend to ſuch perſons, being Proteſtants, as would have inherited the ſame, in caſe the perſon ſo reconciled, holding communion, profeſſing, or marrying, were naturally dead. And by the ſtatute 6. Ann, c. 7. it is enacted, that if any perſon maliciously, adviſedly, and directly, ſhall maintain by writing or printing, that the Kings of this realm, with the authority of Parliament, are not able to make laws to bind the Crown and the deſcent thereof, he ſhall be guilty of high-treaſon ; or if he maintains the ſame by only preaching, teaching, or adviſed ſpeaking, he ſhall incur the penalties of *praemunire*.

A. No. But by the will of Parliament, fully expressed in the act of succession, statute 12 and 13th W. III.

Q. Is there not a mutual contract between the King and his people?

A. Yes.

Q. How is that contract expressed?

A. On the part of the Monarch, it is expressed in his coronation oath; on the part of his subjects, by the oath of allegiance.*

* The coronation oath, by statute 1 William and Mary, st. 1. c. 6, is to be administered to every King and Queen, who shall succeed to the imperial crown of these realms, by one of the archbishops or bishops of the realm, in the presence of all the people. The oath is conceived in the following terms:

"The Archbishop or Bishop shall say, Will you solemnly promise and swear to govern the people of this kingdom of England, and the dominions thereunto belonging, according to the statutes in Parliament agreed on, and the laws and customs of the same? — The King or Queen shall say, I solemnly promise so to do. — Archbishop or Bishop. Will you to your power cause law and justice, in mercy, to be executed in all your judgments? — King or Queen, I will. — Archbishop or Bishop. Will you to the utmost of your power maintain the laws of God, the true profession of the gospel, and the Protestant reformed religion established by the law? And will you preserve unto the Bishops and Clergy of this realm, and the churches committed to their charge, all such rights and privileges as by law do or shall appertain unto them? — King or Queen. All this I promise to do. — After this the King or Queen, laying his or her hand upon the holy gospels, shall say, The things which I have here before promised I will perform and keep: So help me God: And then shall kiss the book."

The oath of allegiance only promises on the part of the subject, *"that he will be faithful, and bear true allegiance to the King,"* without mentioning his "heirs," or specifying wherein that allegiance consists; but all persons in any trust, or employment, take the oaths of supremacy and abjuration; the former of which renounces the pretended authority of the Pope, and the latter sufficiently and fully acknowledges his Majesty's right, derived from the act of succession; engaging to support him therein to the utmost of their power; promising to disclose

Q. Was the Monarchy always hereditary ?

A. Since the commencement of the Heptarchy (or division of England into seven kingdoms) it has been generally so ; but more particularly since the reign of Egbert, the first sole Monarch of this kingdom : * yet in much earlier periods it is *understood* by many (for the remote history of this country is very dark) that the fiercest hunter, the tallest, strongest, or most singular personages, were *elect*ed to that office. Such were the Nimiods, the Sauls, the Sampsons, the Adonibezecks, of the times.

Q. Has the Crown, since hereditary Monarchy can be traced, always descended in a right line, and according to primogeniture ?

A. No. It has been forcibly wrestled from the lineal descendant *by conquest* ; it has been *bequeathed by will*, to a younger son ; it has been long disputed, and alternately enjoyed, after many bloody contests, of very considerable continuance, *by the several Heirs of the Houses of York and Lancaster*, both branches of the same family ; it has been *forfeited by abdication* ; was presented to King William the Third, *as a donation* from the people ; and is *settled* upon the present illustrious Royal Family, as descendants of the most accomplished Princess Sophia, Electress and Dutches Dowager of Hanover, *by act of Parliament*.

all traiterous conspiracies against him ; and renouncing any claim of the descendants of the late pretender.—And this oath is, or should be, according to law, administered to all persons suspected, by the magistrates, to be disaffected.

* “ Even in those instances where the succession has been violated, the crown has ever been looked upon as hereditary in the wearer of it : Of which the usurpers themselves were so sensible, that they for the most part endeavoured to vamp up some feeble shew of a title by descent, in order to amuse the people, while they gained the possession of the kingdom. And, when possession was once gained, they considered it as the purchase or acquisition of a new estate of inheritance, and transmitted, or endeavoured to transmit it to their own posterity, by a kind of hereditary right of usurpation.”

BLACKSTONE.

Q. Is there not an *original* reciprocal duty that is *implied* between the King and his subjects ?

A. Yes. Both King and people are understood to be as much bounden to each other (the one to protect his faithful subjects, and to rule only according to law, and the other to be faithful and bear true allegiance to the King) *before* the taking of their respective oaths as afterwards ; the oaths only serving “ to strengthen the social tie, by uniting it with that of religion.”

Q. At what age are his Majesty’s subjects liable to take the oath of allegiance ?

A. It may be tendered to all persons above the age of twelve years, whether natives, denizens, or aliens.

Q. Is it criminal to deny the right of the King and Parliament, to new model, or alter the succession to the Crown ?

A. Yes. It is made so, by statute 6 Anne, c. 7.

Q. What are the prerogatives of the King ?

A. They are manifold : All appertaining to that special pre-eminence which he hath in right of his Royal dignity : but particularly applying to his Royal character, his Royal authority, and his Royal income.

Q. Are there any limits to the prerogative of the Crown ?

A. It stretcheth not to the doing of any wrong : Every thing wilfully inimical to the welfare of the nation is beyond the reach of prerogative, as subversive of the end for which the Monarchy is invested therewith.

Q. In what instances do the King’s prerogatives apply to his Royal character ?

A. In that he is, by LAW, appointed the supreme head in Church and State ; that he owes no subjection to any other Potentate, his Crown being imperial, and his realm an empire.*

* “ The meaning of the Legislature, when it uses these terms of *empire* and *imperial*, and applies them to the realm and crown of England, is only to assert that our King is equally sovereign, and independent, within these his dominions, as any Emperor is in his empire ; and owes no kind of subjection to any other potentate upon earth. Hence it is, that no suit or

He is subject to none, can be tried by none, can be punished by none ; there being not (humanly speaking) his superior.

Q. Can the King possibly do wrong ?

A. Politically speaking, he cannot : It would be folly to ascribe wrong, where there is no superior to redress it. His counsellors and ministers alone are blameable, responsible, and punishable, for all wrong which may be done, in consequence of their advice, in the name of the executive power.

Q. How are they to be proceeded against ?

A. By indictments or Parliamentary impeachments.

Q. Is either of the other branches of the Supreme Power, viz. the House of Lords, or the House of Commons, capable of doing wrong ?

“ action can be brought against the King, even in civil matters,
 “ because no court can have jurisdiction over him. For all
 “ jurisdiction implies superiority of power : Authority to try
 “ would be vain and idle, without redress ; and the sentence of
 “ a court would be contemptible, unless that court had power to
 “ command the execution of it : But who, says Finch, shall
 “ command the King ? Hence it is likewise, that by law the
 “ King is sacred, even though the measures pursued in his reign
 “ be completely tyrannical and arbitrary : For no jurisdiction
 “ upon earth has power to try him in a criminal way ; much
 “ less to condemn him to punishment. If any foreign jurisdic-
 “ tion had this power, as was formerly claimed by the Pope,
 “ the independence of the kingdom would be no more : And,
 “ if such a power were vested in any domestic tribunal, there
 “ would soon be an end to the Constitution, by destroying the
 “ free agency of the constituent parts of the Sovereign Legisla-
 “ tive Power.” — BLACKSTONE.

“ The harm which the Sovereign can do in his own person
 “ not being likely to happen often, nor to extend itself far ;
 “ nor being able by his single strength to subvert the laws, nor
 “ oppress the body of the people (should any Prince have so
 “ much weakness and ill-nature as to endeavor to do it) — the
 “ inconveniency therefore of some particular mischiefs, that may
 “ happen sometimes, when a heady Prince comes to the throne,
 “ are well recompensed by the peace of the public, and security
 “ of the Government, in the person of the Chief Magistrate be-
 “ ing thus set out of the reach of danger.” — LOCKE.

A. Politically speaking, they are not. For if either branch could do wrong, the branch exercising the power of *pronouncing* that wrong, would thereby tend to subvert the constitution by subjugating the other. *

Q. What further than has been said is meant by the words, "*The King can do no wrong*?"

A.. The King, in his political capacity, is supposed to be *absolutely perfect* : that is, there is no wrong in him as a Monarch; or, the prerogative of the Crown has nought of evil in it; and *cannot*, therefore, extend to the doing of an injury : It is created for the benefit of the people, and cannot be construed to be used in any thing to their hurt.

Q. Is there any other perfection which the constitution attributes to the King?

A. Yes: That he cannot intentionally *think* wrong. The law does not suppose its Chief Magistrate *capable* of wilfully disregarding his trust; but attributes to imposition those little failings to which the best of men are subject; lest, if imputed to his will, he might be lessened in the eyes of his subjects; it being highly necessary that the people should always hold him in reverence.

* "The supposition of *law* therefore is, that neither the King nor either House of Parliament (collectively taken) is capable of doing any wrong; since in such cases the law feels itself incapable of furnishing any adequate remedy. For which reason all oppressions, which may happen to spring from any branch of the Sovereign Power, must necessarily be out of the reach of any *statute rule*, or *express legal* provision: but, if ever they unfortunately happen, the providence of the times must provide new remedies upon new emergencies."

— "In these therefore, or other circumstances, which a fertile imagination may furnish, since both law and history are silent, it becomes us to be silent too; leaving to future generations, whenever necessity and the safety of the whole shall require it, the exertion of those inherent (though latent) powers of society, which no climate, no time, no constitution, no contract, can ever destroy or diminish."

BLACKSTONE.

Q. Do not individuals in the Houses of Lords and Commons sometimes animadvert upon *personal* acts of Royalty, not withstanding this implied perfection ?

A. Yes. Particularly with respect to Royal messages and speeches ; but even these always should be, and almost invariably are, treated with decency and respect, being generally attributed solely to his ministers and advisers. * Both Houses have also exerted the right of remonstrating to the Crown.

Q. Have remonstrances never been presented to the Crown from any other body ?

A. Yes : The city of London especially has heretofore dutifully remonstrated to the King.

Q. Are remonstrances ever presented to and received by Parliament ?

A. No. It has been held, that neither House of Parliament, nor the King in his Legislative capacity, could, consistently with their indispensable dignity, receive even any kind of petition, but with a specific prayer ; much less a remonstrance.

Q. Has not each and every person, individually, or collectively, a RIGHT TO PETITION the King, or either House of Parliament ?

A. Yes ; and particularly for redress of grievances : but in so doing, great care must be had, that the subject be not guilty of riot or tumult ; to avoid which, the statute to prevent *tumultuous petitioning*, passed in the 13th year of Charles

* “ But the privileges of canvassing thus freely the personal acts of the Sovereign (either directly, or even through the medium of his reputed advisers) belongs to no individual, but is confined to those august assemblies : and there too the objections must be proposed with the utmost respect and deference. One member was sent to the Tower for suggesting that his Majesty’s answer to the address of the Commons contained high words to fright the members out of their duty ; and another for saying, that a part of the King’s speech seemed rather to be calculated for the meridian of Germany than Great Britain, and that the King was a stranger to our language and constitution.” — BLACKSTONE.

II. enacts, that not more than twenty names shall be signed to any petition to the King or either House of Parliament, for any alteration of matters established by law in Church or State ; unless the contents thereof be previously approved, in the country, by three justices, or the majority of the grand-jury at the assizes or quarter sessions ; and, in London, by the Lord Mayor, Aldermen, and Common Council : And that no petition shall be delivered by a company of more than ten persons : on pain, in either case, of incurring a penalty **not exceeding £ 100**, and three months imprisonment.* But this punishment is for the riot or tumult only, and does not do away the *right of petitioning* ; to secure which, it has been since declared, by statute 1 William and Mary, that the subject *HATH A RIGHT to petition*, and that all commitments and prosecutions for such petitioning are illegal.

Q. Does the law suppose any negligence or delay in the King?

A. No. He is always understood to be *occupied* about the public good.

Q. Does the King ever die ?

A. Politically speaking, he does not. The law only speaks of his *demise* ; which means rather a transfer of property : That, on the disunion of the Monarch's natural from his political body, the kingdom is instantly (without the smallest interval of time) transferred or demised to his successor.

Q. In what instances do the King's prerogatives apply to his Royal authority ?

A. In those *degrees* of absolute power which are entrusted to, and invested in him, by the law and the constitution : Such as making war and peace ; appointing ambassadors to foreign states ; making treaties, leagues, and alliances ; creating Peers of the realm ; issuing proclamations ; coining money ; pardoning offenders and their offences.

* “ This may be one reason (among others) why the Corporation of London has, since the restoration, usually taken the lead in petitions to Parliament for the alteration of any established law.”

Q. Why are those degrees of absolute power invested in the King ?

A. In some respects, as the Representative of his people ; in others, as the Chief Magistrate ; and in others, as the Fountain of Mercy.

Q. Can the Royal prerogative ever be constitutionally exercised in opposition either to the municipal or statute law ?

A. No. Therein is a *limitation* to the otherwise absolute power of the Crown, that it cannot be constitutionally exercised either in defiance of the known law, or to establish any new or unknown law.

Q. Is a Royal proclamation law ?

A. No. It always is, or should be, only an order to enforce, or put into speedy or immediate execution, such law or laws as are already in being.

Q. Can the nation oppose the Royal authority of the Crown ?

A. No. It is the duty of each and every subject not only to obey, but to aid and assist it, to the utmost of his ability ; as in the exertion of *lawful* prerogative the King is and ought to be absolute.* Yet if ever the Royal authority should be exerted

* “ For otherwise the power of the Crown would indeed be
 “ but a name and a shadow, insufficient for the ends of Govern-
 “ ment, if, where its jurisdiction is clearly established and allowed,
 “ any man or body of men were permitted to disobey it, in the
 “ ordinary course of law : I say in the *ordinary* course of law ;
 “ for I do not now speak of those *extraordinary* recourses to
 “ first principles, which are necessary when the contracts of
 “ society are in danger of dissolution, and the law proves too
 “ weak a defence against the violence of fraud or oppression.
 “ And yet the want of attending to this obvious distinction has
 “ occasioned these doctrines, of absolute power in the Prince
 “ and of national resistance by the people, to be much misunder-
 “ stood and perverted, by the advocates for slavery on the one
 “ hand, and the demagogues of faction on the other. The
 “ former, observing the absolute Sovereignty and transcendent
 “ dominion of the Crown laid down (as it certainly is) most
 “ strongly and emphatically in our law-books, as well as our
 “ homilies, have denied that any case can be excepted from so

to the manifest purpose of establishing an unlimited and tyrannical Government, to the enslavement of the free people of this realm, resistance would become a national duty, and obedience criminal.

Q. May not the Crown sometimes enter into treaties, leagues, and alliances, rather for the aggrandizement and personal interest of the Monarch and his family, than to the benefit and advantage of the nation?

A. In most respects, the aggrandizement and personal interest of the King and Royal family would be highly beneficial to the nation: If ever the Ministers of the Crown should advise any thing to the contrary, they would be liable to Parliamentary impeachment.

Q. Are all wars necessary for the safety and protection of his Majesty's subjects?

A. The supplies granted by the Commons, for enabling the King to carry on a war, through their constitutional organ, their

“ general and positive a rule: forgetting how impossible it is,
 “ in any practical system of laws, to point out before-hand those
 “ eccentric remedies, which the sudden emergency of national
 “ distresses may dictate, and which that alone can justify. On
 “ the other hand, over-zealous republicans, feeling the absurdity
 “ of unlimited passive obedience, have fancifully (or sometimes
 “ factiously) gone over to the other extreme: And because
 “ resistance is justifiable to the person of the Prince when the
 “ being of the State is endangered, and the public voice pro-
 “ claims such resistance necessary, they have therefore allowed
 “ to every individual the right of determining this expedience,
 “ and of employing private force to resist even private oppres-
 “ sion. A doctrine productive of anarchy, and (in conse-
 “ quence) equally fatal to civil liberty as tyranny itself. For
 “ civil liberty, rightly understood, consists in protecting the
 “ rights of individuals by the united force of society: Society
 “ cannot be maintained, and of course can exert no protection,
 “ without obedience to some Sovereign Power: And obedience
 “ is an empty name, if every individual has a right to decide
 “ how far he himself shall obey. In the exertion therefore
 “ of those prerogatives, which the law has given him, the
 “ King is irresistible and absolute, according to the forms of
 “ the Constitution.” — BLACKSTONE.

Representatives in Parliament, are the strongest acknowledgments on the part of the people of its necessity. If such supplies should be withholden, it would be tantamount to a declaration, that such war is unnecessary : And the Minister who should, in that case, advise its continuance, would almost certainly be impeached and punished. — Sometimes, indeed, the *actual* voice of the people differs widely from that of their Representatives.

Q. Does not the Royal authority of the King extend to the dispensing of justice throughout the realm ?

A. Yes. He is the Fountain of Justice (as well as of mercy) being the general Conservator of the Peace : All jurisdictions of Courts are exercised in his name, and by officers of his appointment.

Q. Is he not also the Fountain of Honor ?

A. Yes. He is invested with the sole power of bestowing titles, and conferring dignities, upon such as he may deem to have deserved them : He has the prerogative to appoint new officers, or to create new titles or offices ; but he cannot create new fees to any office without an act of Parliament, as that would be a new tax upon the subject.

Q. Why is this power invested in the King ?

A. Because, having the supreme executive Government in his hands, the Law supposes him most capable of judging who are best qualified to serve under him, and what officers are necessary for the furtherance of the public good, and the support of his Crown and dignity.

Q. Has he not likewise the power of erecting Corporations ?

A. Yes : And of abolishing them, unless they are sanctioned by the statute law.

Q. Does the Royal authority extend to any farther acts ?

A. Yes, to very many : Politically speaking, to *every thing* in which it is not limited ; but particularly, the coining of money ; affixing the value of precious metals ; the command of fleets and armies ; and the government of the two national churches.

Q. In what consists the King's Royal revenue ?

A. The great bulk thereof consists in monies contributed by his subjects, to support his Crown and dignity ; that, by thus parting with a portion of their property, the remainder be enjoyed, and be firmly secured to them, by his justice, wisdom, and power.

Q. What is the yearly amount of this revenue ?

A. It is fluctuating : Depending much on the national prosperity ; war or peace ; the production of taxes ; &c. That part of it which is most particularly at his Majesty's immediate disposal, the civil list, has been some time fixed, and is about one million pounds sterling per annum : The whole yearly contribution, is, at present, computed to be nearly eighteen millions sterling.

Q. Did the Royal revenue in former times bear any proportion to the present ?

A. The public contributions, previous to the Revolution, bear but a very slight comparison to the present. The whole of the revenue in the reign of Queen Elizabeth was about half a million sterling ; in the reign of King Charles II. it was increased to one million two hundred thousand pounds ; out of which all public expences were paid, including the charges of the army and navy. But there were occasional subsidies granted in times of exigency.

Q. What is the occasion of this vast difference ?

A. Partly the difference in the value of money ; partly the increase of military establishments ; partly the great number of officers necessarily employed in and paid for collecting the revenue ; but principally the very large sums appropriated yearly to pay the interest of the national debt.

Q. Has the Crown the entire collection and management of the revenue ?

A. Yes : It is therefore that the whole (and not the civil list only) is termed the King's revenue.

Q. Does not this afford a great influence to the Crown ?

A. Yes. All the officers who are employed in its collection, management, and disposal, are at the appointment and

removal of the Sovereign, both in his Household and all the departments of the State.

Q. Has this influence ever given an appearance of umbrage to the nation ?

A. In the House of Commons, not many years since, it was resolved, that it was then necessary to declare, " That the influence of the Crown had increased, is increasing, and ought to be diminished : " but, at present, the majority of the nation, both in and out of Parliament, seem to place an almost unlimited and implicit confidence in the Ministers of the Crown, not only with respect to the exercise of its present influence, but to the further increase thereof ; very many firmly persuading themselves, that it would be applied only to the actual benefit of the community.

Q. Whence arises this great confidence ?

A. Partly from the peculiar and well-placed affection which all ranks of people bear towards the present Monarch, whose magisterial deportment has been singularly mild and beneficent, and whose private virtues have added a most brilliant lustre to his public character. But principally from alarms which have been created, and industriously propagated, that the present most excellent form of Government is in danger from the machinations of internal enemies ; whereby many of the most staunch friends of the people, and the proper equipoise of the Constitution, have been induced to throw their weight into the scale of Ministers, for increasing the preponderance of the Executive Power.

Q. Is the reign of such a beneficent Monarch, a proper time to indulge the greatest indifference for the national consequence and independence of the people ?

A. No. Under such a Monarch, Ministers may be too apt to encroach upon their rights and privileges : Because the fewer are then upon their guard against a stretch of power " The true liberty of the subject consists not so much in the gracious behaviour, as in the limited power, of the Sovereign : " And

an increase of strength, tho' ever so well applied in such a reign, may be the means of crushing that liberty at a future period *

Q. How was the national debt incurred ?

A. Partly by the increase of our foreign connections : But principally by maintaining long and expensive wars on the continent ; — “ For the security of the Dutch barrier ; reducing the French Monarchy ; settling the Spanish succession ; supporting the House of Austria ; maintaining the liberties of the Germanic Body ; and other purposes ;” in former reigns : — By the war for attempting the subjugation of our late Colonies, now the United States of America ; and by the war, now carrying on, for which a variety of purposes have been occasionally avowed, but is generally understood to have been intended for a restoration of the French Monarchy ; in the present reign : — During all which wars, the national expences have been so exceedingly great, that it has been thought prudent, to ease the people, not to levy the whole in any one year ;† immense sums have therefore been borrowed for the service of the State, of which the nation pays only the interest annually ; but which is also continually left for payment, from generation to generation, and still increasing as the debt increases, till at some future period (when continental wars are not so frequent) the people shall, besides the interest, be enabled gradually to discharge the principal, in addition to the current expences of their own times.

Q. Has the proposed end of easing the people been answered by this scheme ?

* “ But it will be our especial duty, as good subjects and good Englishmen, to reverence the Crown, and yet guard against corrupt and servile influence from those who are intrusted with its authority ; to be loyal, yet free ; obedient, and yet independent ; and, above every thing, to hope that we may long, very long, continue to be governed by a Sovereign, who, in all those public acts that have personally proceeded from himself, hath manifested the highest veneration for the free Constitution of Britain ” — BLACKSTONE.

† In the beginning, the professed object was, lest it should occasion murmurs among the people.

A. No. However well intentioned it might have been originally, when it was doubtless expected that a few years of peace would have paid off the principal, the debt is now so much increased, that the interest alone is fully sufficient to maintain the nation in a *perpetual war* for any object it can be her interest to pursue. *

Q. What is the present amount of that debt?

A. It is computed to be nearly 300 millions sterling.

Q. What is the pledge for so vast a sum?

A. The land, the trade, the obedience, and the personal industry of the subject.

Q. Is the pledge a sufficient security for the national creditors?

A. Yes : It is fully so at present : The latter part thereof, in particular, being an almost inexhaustible source of wealth.

Q. Would it, notwithstanding, be more beneficial, as well as prudent, to avoid (if possible) the increase of the debt in future, by paying all national expences as they are incurred?

A. Undoubtedly, if matter of opinion may be given in answer; otherwise, the land, the trade, and the individual exertions of the people, would be still more deeply pawned; and the nation be thereby rendered the poorer. †

Q. Is it possible that the debt may ever be greater than the intrinsic value of the pledge?

A. There can be no precise bounds to human industry, which is the principal part of that pledge : Yet if the debt should en-

* “ If our ancestors in King William’s time had annually paid, so long as their exigencies lasted, even a less sum than we now annually raise upon their accounts, they would in the time of war have borne no greater burdens, than they have bequeathed to and settled upon their posterity in time of peace; and might have been eased the instant the exigence was over.”

—BLACKSTONE.

† “ The property of a creditor of the public consists in a certain portion of the national taxes : By how much therefore he is the richer, by so much the nation, which pays these taxes, is the poorer.” — BLACKSTONE.

crease for another century, in the same rapid progression as during the hundred years last past, it would so far exceed all human calculation, that it would be too bold an assertion to pronounce, that human industry could provide for the interest of it.

Q. May not the national debt be of some collateral benefit to the nation ?

A. Yes : It is generally understood, that so much of it (nothing at all comparable to its present vast amount) as would keep the current coin of the kingdom in circulation, by a species of assignable currency, to be employed in its stead, is “ highly useful to a trading nation.” And in the opinion of many, who have well considered the subject, there is no doubt, that even the whole has a most pleasing effect, in one grand instance (to counterpoise its many disagreeables;) which is, the security of the present Government ; every proprietor of any part of the public stocks or funds, having his property at stake therein.

Q. Who is the Chief Military Commandant in this nation ?

A. The King ; who has the supreme military command, not only of the militia, but of all naval and military forces throughout his dominions ; as also of all forts, and other strong places.

Q. Who raises, controuls, and regulates, the naval and military forces ?

A. The King has the sole power of raising them, except the militia, who are chosen, by ballot, in the respective counties : But the whole are under his controul and regulation.

Q. Are there any laws respecting these forces ?

A. Yes. An act of Parliament passes annually, “ to punish mutiny and desertion, and for the better payment of the army and their quarters :” And there are laws relative to the mode of raising and embodying the militia.

Q. Wherein does the army differ from the militia ?

A. The former is constantly embodied, and liable to be sent on foreign service : The latter is trained to arms at certain periods ; and the whole thereof embodied only in cases of national emergency, for the internal defence of the country. But the principal distinction is, that the militia is “ the constitutional

“ security, which our laws have provided for the public peace,
 “ and for protecting the realm against foreign or domestic vio-
 “ lence.”

Q. How long do those persons who are balloted serve in the militia?

A. Five years: Unless in time of war; then, during its continuance.

Q. How is discipline kept up among the several armed bodies?

A. In each, Courts Martial, specially held, try and punish delinquents, in the King's name. There are express rules, articles, and orders, permanently established by law, for maintaining regular discipline in the navy: In the army, it is maintained by articles of war, framed, from time to time, at the pleasure of the Crown, according to powers therein vested by the mutiny act.

Q. Are the militia subject to martial law?

A. Yes: Tho' in times of peace, when only called out occasionally for exercise, their discipline is not over rigorously enforced.

Q. Why is the act to prevent mutiny, &c. passed annually?

A. Because in a free country, such as this, where the Government is civil, and not military, it would be unconstitutional to keep up a perpetual standing army: The army would, therefore, legally cease to exist at the expiration of the yearly act, (some maintain the contrary, with respect to time of war) unless the Legislature should think proper to renew it.

Q. Can foreigners be employed in the army?

A. By act of Parliament, no foreigner can hold any place of trust, civil or military, within this kingdom. But in the present war, the Legislature has enabled the Crown to raise and embody French emigrants; yet for the express purpose of being employed abroad.

Q. Are the people of Ireland included in the exemption respecting foreigners?

A. No: That island being considered as the sister kingdom of Great-Britain: But the natives of all other his Majesty's foreign dominions are.

Q. Can the Ministers of the Crown legally introduce foreign troops into this country?

A. They cannot, without consent of Parliament. And if they were to be illegally introduced, they would not be subject to the mutiny act, being neither included or implied therein; of course the law could not know them as his Majesty's army. Yet, in case of apparent necessity, such as foreign troops, in the King's pay, being very sickly, in transports off our coast, they have been landed for their health's sake; the Ministers of the Crown merely informing Parliament of the circumstance: But, even then, it was sufficiently clear, that both Houses conceived it as an act done without an *intention* to infringe upon the Constitution, rather than as a proceeding constitutional in itself.

Q. Why are these maxims laid down in the Constitution, for not keeping a perpetual standing army, and not permitting foreign troops to be introduced into the kingdom?

A. Because in a free State, where the will of the people, constitutionally expressed, forms so great a part of the Government, or social will, there can be no occasion of soldiery, except when the nation and the laws are in danger, as from tyranny, usurpation, rebellion, or invasion: Whereas in an arbitrary Monarchy, or any other government of slaves by *fear*, a military power is continually necessary to enforce subjection. — And also, because the introduction of foreign forces might, in the hands of ill-disposed Princes, or their Ministers, be used to conquer or enthrall the nation, rather than to defend it.

Q. When an Englishman commences soldier, does he disclaim, or cease to enjoy, his title of citizen?

A. No. He still retains all his predilection for citizenship, and the general welfare of the civil society. He becomes a soldier, because the service of his King and country requires him; when that service no longer needs him, he quits the profession of a military man. Indeed, “the Constitution of these

“ kingdoms knows of no such state as a perpetual standing soldier, bred up to no other profession than that of arms.”*

Q. Does the mutiny act allow of capital punishments being inflicted by Courts Martial?

A. Yes. It enacts “ that if any officer or soldier should
 “ excite, or join any mutiny, or knowing of it, shall not give
 “ notice to the commanding officer: or shall desert, or lift in
 “ any other regiment, or sleep upon his post, or leave it before
 “ he is relieved, or hold correspondence with a rebel enemy,
 “ or strike or use violence to his superior officer, or shall disobey
 “ his lawful commands: Such offender shall suffer such punishment as a Court Martial shall inflict, though it extend to death
 “ itself.”†

* “ Nothing, then, according to these principles, ought to
 “ be more guarded against, in a free State, than making the
 “ military power, when such a one is necessary to be kept on
 “ foot, a body too distinct from the people. Like ours, it
 “ should wholly be composed of natural subjects; it should only
 “ be enlisted for a short and limited time: The soldiers also should
 “ live intermixed with the people; no separate camp. no barracks, no inland fortresses, should be allowed. And, perhaps, it might be still better. if, by dismissing a stated number
 “ and enlisting others, at every renewal of their term, a circulation could be kept up between the army and the people, and
 “ the citizen and the soldier be more intimately connected together.”——BLACKSTONE.”

† “ This discretionary power of the Court-Martial is indeed
 “ to be guided by the directions of the Crown; which, with
 “ regard to military offences, has almost an absolute Legislative
 “ Power.” “ His Majesty [says the act] may form articles of
 “ war, and constitute Courts-Martial, with power to try any
 “ crime by such articles, and inflict penalties by sentence or
 “ judgment of the same.”——“ Perhaps in some future revision
 “ of this act, which is in many respects hastily penned, it may be
 “ thought worthy the wisdom of Parliament to ascertain the
 “ limits of military subjection, and to enact express articles of
 “ war for the government of the army, as is done for the government of the navy: especially as, by our present constitution, the nobility and gentry of the kingdom, who serve their
 “ country as militia officers, are annually subject to the same arbitrary rule during the time of exercise.”——BLACKSTONE.

Q. Are these punishments compatible with their dignity as citizens, or their freedom as Englishmen ?

A. No : As citizens and Englishmen they could not be liable to punishment by Courts-Martial. Yet, as they are soldiers not by compulsion, but their own free will, and are previously made acquainted with the articles they *thereby* subject themselves to, no blame with respect to the punishment of such soldiers can rest upon the Constitution, which, as strict discipline is necessary to the very existence of an army, rather permits than encourages it.

Q. Are not seamen sometimes *forced* to serve in the navy ?

A. Yes : They are frequently impressed in time of war.

Q. Is this practice consistent with the rights and dignities of free citizens ?

A. No. But as there are laws which enact, that certain descriptions of seamen shall *not* be impressed, those who lean rather to the side of arbitrary power have maintained, that the Crown is thereby tacitly acknowledged to hold a *right* of impressing all other descriptions of seamen. Yet, in general, it is understood as a matter of strict national necessity only, and by no means warrantable by the Constitution.

Q. Is there not a particular description of soldiers who serve in the navy ?

A. Yes : They are thence called marines.

Q. How are they regulated ?

A. When on board, they are under the rules, &c. of the navy : But an act passes annually for their regulation while on shore.

Q. In what light does the nation view the Royal navy ?

A. As its natural defence ; as a sublime ornament, which not only beautifies but is also a bulwark to our coasts ; as the guarantee of our distant possessions ; as the protection of our commerce : And in short as that description of armed force on which alone depends our insular safety ; and which, whilst it enables us to keep off external enemies, creates no jealousies, no animosities, at home ; nor gives the most zealous advocates for our constitutional

rights and privileges a moment's apprehension, however great its strength, however irresistible its power.

Q. Why is the disposal and regulation of all the naval and military forces vested in the King ?

A. Because the Law supposes him the constant Protector and Guardian of the State; and as such he has the sole power of making war or peace.

Q. Have not the people of this realm a right to keep arms for their own defence ?

A. Yes; it is one of their greatest privileges, confirmed to them by stat. 1 William and Mary, st. 2. c. 2. which is, in fact, " a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression."

Q. Who are the King's Counsellors ?

A. Besides the Peers, who (as hath already been noticed) are the hereditary Counsellors of the Crown,* his Majesty's Justices of his Courts of Law are his Majesty's Counsellors in matters of law; and the High Court of Parliament itself is frequently considered as his Majesty's Council, in conformity to the ancient usage of Parliament. But those who are more emphatically and

* On the impeachment of the two Hugh Spencers, father and son, who were in consequence banished the kingdom, in the reign of Edward the Second, it was made an article thereof, " that they, by their evil covin, would not suffer the great men of the realm, the King's good Counsellors, to speak with the King, or to come near him, but only in the presence and hearing of the said Hugh the father and Hugh the son, or one of them, and at their will, and according to such things as pleased them." — There is no doubt that flattering favorites and plotting placemen, have, sufficiently often, prevented our Kings from hearing good advice since the time of the Spencers: Yet it is tolerably well understood, that, in the present reign, an individual Peer so effectually exercised the right of counselling his Sovereign, as to cause the dissolution of that famous Ministry still remembered by the name of *The Coalition*.

properly called the King's Counsellors, are the Members of his *Privy Council*. generally styled, by way of eminence, The Council. Yet it is only a few of them, who are members of the *Cabinet Council*, that are the reputed advisers of the King; among whom are generally, The First Lord of the Treasury (or Premier) the Lord Chancellor, the Lord President of the Council, the Lord Privy Seal, the Secretaries of State, the First Lord of the Admiralty, the Commander in Chief of his Majesty's Forces in Great-Britain, the Master of the Ordnance, and the Chancellor of the Exchequer.

Q. By whom is the Privy Council nominated and appointed?

A. By the King's Most Excellent Majesty.

Q. Are its members limited to any number, or chosen for any time?

A. Their number is indefinite; and they are Privy Counsellors during the natural life of the Monarch who appoints them, unless previously removed, which is discretionary in the Sovereign.

Q. Can any foreigner be of his Majesty's Privy Council?

A. No one can be appointed a member thereof unless he was born in the dominions of the Crown of England.

Q. What is the duty of a Privy Counsellor?

A. From his oath of office, it appears to be: — 1. To advise the King according to the best of his cunning and discretion: — 2. To advise for the King's honour and good of the public, without partiality through affection, love, meed, doubt, or dread: — 3. To keep the King's counsel secret: — 4. To avoid corruption: — 5. To help and strengthen the execution of what shall be there resolved: — 6. To withstand all persons who would attempt the contrary: — 7. To observe, keep, and do, all that a good and true Counsellor ought to do to his Sovereign Lord.

Q. What peculiar power has the Privy Council?

A. It has full power to enquire into all offences against the Government; and may commit state-offenders, for safe custody, in order to their taking their trials in some or one of his Majesty's Courts.

Q. May not the Privy-Council inflict punishment in such case ?

A. No. They can only enquire and commit ; and further, persons committed by them are entitled to the benefit of the *habeas corpus* act, as much if they had been committed by a Justice of the Peace.

Q. What peculiar privilege have the Privy Counsellors ?

A. Whoever shall unlawfully *attempt* to kill, or shall unlawfully assault, and strike, and wound, any Privy Counsellor, in the execution of his office, is guilty of felony, without benefit of clergy.

Q. Of how many parts does the municipal law of England consist ?

A. Of two parts : Namely, the unwritten, or common law ; and the written, or statute law.

• Q. What do you mean by calling the common the unwritten law ?

A. Not that no part thereof is written (it being partly composed of the records of the several Courts of Justice, from the times of highest antiquity :) but because “ their *original* institution and authority are not set down in writing, as acts of Parliament are.”

Q. How came these to have the authority of laws ?

A. By immemorial usage, and their general reception ; many of them even from the time of the primitive Britons.

Q. What do you mean by the statute law ?

A. The laws enacted by the immediate authority of Parliament.

Q. Is not the common law sanctioned by Parliament ?

A. Yes : Particularly in the act of settlement, wherein the Crown is limited to the present Royal Family, being Protestants, —Our religion, “ LAWS,” and liberties, are therein declared to be “ the birth-right of the people of England,” according to the doctrine of the common law.

Q. What restraint does the law impose upon the will of individuals ?

A. Only such as is necessary to prevent its being exercised to the injury of the social compact.*

Q. What are the grand characteristics of the laws of England?

A. The maintenance of civil liberty ; and the preservation of the constitutional rights of the King and people.

Q. Does the law, in any instance, tend to the oppression of the people ?

A. No. Altho' those statute laws which impose taxes, are, doubtless, very heavily felt by many individuals ; yet they are by no means oppressive, because they are not only virtually agreed to by such individuals, but applied (as the law always presumes) to the actual service of that Government, or united Will, of which they form a part, and which affords them individual protection.

Q. What are considered as the principal grounds, or fundamental parts of the laws of England ?

A. *Trial by Jury*, the peculiar blessing and glory of our Constitution, established so long since as the reign of King Alfred : The charters ; particularly that called *magna charta*, obtained, sword in hand, from King John ; the *petition of right*, being a parliamentary declaration of the *liberties of the people*, assented to by that unfortunate Monarch King Charles I. in the earlier part of his reign : The *habeas corpus act*, passed in the reign of Charles II. which act is justly termed the *paladium* of British freedom, as it most effectually guarantees the *personal* liberty of the subject : † The *bill of rights*, delivered to the

* Tho' some of the statutes, particularly the *game* laws, are apparently in direct opposition to what is here asserted, yet they having been virtually approved of by the people, in their choosing the Representatives who passed and continue those laws, they are, in the eye of the Constitution, for national benefit.

† " Of great importance to the public is the preservation of this personal liberty : For if once it were left in the power of any, the highest, Magistrate, to imprison arbitrarily whomever he or his officers thought proper, there would soon be an end

Prince and Princess of Orange, *previous* to their being King and Queen, as the *condition*, on the observance of which they were to be invested with the regal dignity ; and, after their ascending the Throne, enacted in Parliament, as “ the true, ancient, and “ indubitable rights of the people of this kingdom” (among which was that of their having *frequent* Parliaments :) Also the *act of settlement*, passed in the same reign, whereby the Crown was limited to the present illustrious Royal Family, being Protestants ; and the “ *birth-right of the people of England*” (as our laws and liberties are therein termed) again asserted, with *new* provisions for its security.

Q. By whom are the laws of England administered ?

“ of all other rights and immunities. Some have thought, that
 “ unjust attacks, even upon life, or property, at the arbitrary
 “ will of the Magistrate, are less dangerous to the commonwealth,
 “ than such as are made upon the personal liberty of the subject.
 “ To bereave a man of life, or by violence to confiscate his
 “ estate, without accusation or trial, would be so gross and noto-
 “ rious an act of despotism, as must at once convey the alarm of
 “ tyranny throughout the whole kingdom : But confinement of
 “ the person, by secretly hurrying him to gaol, where his suffer-
 “ ings are unknown or forgotten, is a less public, a less striking,
 “ and therefore a more dangerous engine of arbitrary government.
 “ And yet sometimes, when the State is in real danger, even
 “ this may be a necessary measure. But the happiness of our
 “ Constitution is, that it is not left to the Executive Power to
 “ determine when the danger of the State is so great, as to ren-
 “ der this measure expedient : For it is the Parliament only, or
 “ Legislative Power, that, whenever it sees proper, can autho-
 “ rize the Crown, by suspending the *habeas corpus* act for a
 “ short and limited time, to imprison suspected persons without
 “ giving any reason for so doing ; as the Senate of Rome was
 “ wont to have recourse to a Dictator, a magistrate of absolute
 “ authority, when they judged the republic in any imminent
 “ danger. The decree of the Senate, which usually preceded
 “ the nomination of this magistrate, “ *deus operam consulis,*
 “ *ne quid respublica detrimenti capiat,*” was called the *Senatus*
 “ *consultum ultimæ necessitatis*. In like manner this experi-
 “ ment ought only to be tried in cases of extreme emergency ;
 “ and in these the nation parts with its liberty for a while, in
 “ order to preserve it for ever.” — BLACKSTONE.

A. The King, as the Fountain of Justice, is the *implied* administrator of the law.

Q. Does he exercise this function in person ?

A. No. He commits his judicial authority to substitutes, or Judges; who represent him, in the different Courts, erected ~~by~~ the Crown, for the administration of justice, law, and equity.

Q. How many Judges are there ?

A. Twelve; viz. a chief and three puisne Justices of the Court of King's Bench; a chief and three puisne Justices of the Court of Common Pleas; and a chief and three puisne Barons of the Court of Exchequer. — These are the Judges of the legal Courts; but in the Court of equity, the Lord Chancellor (or Keeper of the King's Great Seal) presides.

Q. Is not the Court of Exchequer occasionally a Court of equity ?

A. Yes : Particularly for deciding causes respecting the payment or non-payment of tithes.

Q. How are the decisions pronounced in the respective Courts ?

A. In the Courts of equity by the Judges; in the Courts of law and justice, by a Jury according to the evidence produced.

Q. Is there any appeal from the decision of these Courts ?

A. Yes; to the House of Lords, which is the supreme Court of judicature and appeal.

Q. Does the House of Lords ever exercise its function as a Court of judicature ?

A. Yes; particularly in the trials of persons charged with great national offences, by impeachment of the Commons.

Q. Where are the King's Courts held ?

A. In Westminster.

Q. Are all legal decisions had in the Courts at Westminster ?

A. No. For the more speedy and effectual administration of justice, legal and criminal cases are tried in different counties, by Commissioners of *Nisi Prius*. *Assize*, *General Gaol Delivery*, *Oyer and Terminer*, and the *Peace*.

Q. What is the nature of cases cognizable by the Commissioners of the Peace ?

A. The Commissioners or Justices of the Peace hold the general quarter sessions of the peace, in every county, at stated times ; at which are tried misdemeanors, trespasses, and such felonies as are within the benefit of clergy

Q. Does not their commission enable them to try all felonies ?

A. Yes. But it at the same time provides, that they shall not proceed to judgment in *difficult* cases, but in the presence of one of the Judges : Matters of great moment, therefore, such as treasons, murders, and capital felonies, are left till the Assizes, or General Gaol Delivery, or Session of Oyer and Terminer ; and sometimes are tried before Commissioners *especially* appointed.

Q. Do the Commissioners of the Peace administer justice at their quarter sessions only ?

A. They have a constant authority, in a variety of cases (mostly of lesser magnitude) to decide between party and party, and to convict delinquents, in a *summary* way, according to their discretion ; but so that they do not act from motives of oppression, enmity, or personal dislike.

Q. Are these motives never acted upon by the Commissioners of the Peace ?

A. It is devoutly to be wished, that they never were ; but there have been too often magistrates found, acting under colour of their office, who abuse the discretionary power with which the law has invested them. Such flagitious conduct is frequently left unpunished ; the power and wealth of the offenders deterring the injured from legal prosecution : But when such delinquents are brought to justice, they are treated with exemplary rigour.*

* “ If a well meaning Justice makes any undesigned slip in
 “ his practice, great lenity and indulgence are shewn to him in
 “ the Courts of law ; and there are many statutes made to protect
 “ him in the upright discharge of his office ; which, among
 “ other privileges, prohibit such Justice from being sued for
 “ any overights, without notice beforehand ; and stop all suits
 “ begun, on tender made of sufficient amends. But, on the
 “ other hand, any malicious or tyrannical abuse of their office

Q. What are the causes usually tried before the Commissioners of Assize, General Gaol Delivery, and Oyer and Terminer?

A. Such as are not brought on trial before the Commissioners of the Peace, or are reserved by them for trial by the Judges.

Q. Are these Commissioners always Judges of his Majesty's Courts?

A. No. There are Judges specially appointed for Wales, and certain other districts; and in corporate cities and towns, the Mayor, Recorder, and other Magistrates, are the appointed Commissioners.

Q. What are the causes usually tried before the Commissioners of Nisi Prius?

A. "Such questions of fact, arising out of his Majesty's Courts of Westminster, as are then ripe for trial by jury."

Q. What is a jury?

A. A *common* jury is twelve men, indifferently chosen, from the vicinage where the trial is held, to hear the evidence offered to the Court, and to decide, in civil cases, between private parties; in criminal, between the King and the subject: A *special* jury is chosen, on extraordinary occasions, by both parties striking off one alternately, till they leave twelve, from a list of forty-eight principal persons, indifferently chosen from the book of freeholders. In criminal cases, there is likewise a *grand jury*, consisting of at least twelve, and not more than twenty-three persons, that twelve may be a majority.

Q. What is the office of a grand jury?

A. To present nuisances, libels, &c. upon which the proper officer of the Court may afterwards frame indictments; but its principal function is to determine, upon oath, whether or not there be sufficient ground or cause to call upon the party accused, to answer to the allegations contained in the charge preferred against him.

"is usually severely punished; and all persons who recover a verdict against a justice, for any wilful or malicious injury, are entitled to double costs." — BLACKSTONE.

Q. Is there no possible case in which persons may be brought to trial without the concurrence of a grand jury.

A. Yes. In cases of libels upon the Government or Constitution, and other enormous misdemeanors intended to disturb or endanger the same, or to molest or affront the Monarch in the discharge of his regal functions, the King's Attorney General files informations *ex officio* : Also, the Master of the Crown Office may file an information, upon the complaint of a private person, in case of assault and battery, misdemeanor, libel, or other atrocity, tho' it does not peculiarly tend to disturb the Government.

Q. Can any subject, against whom an indictment is preferred to a Grand Jury, be put upon his trial for the offences stated in such indictment, if the Grand Jury find no cause ?

A. No.

Q. If the Grand Jury find sufficient cause to put a subject on his trial, can any Judge, or other person who presides at the trial, pronounce the subject guilty ?

A. No: The Jury, whether common or special, can alone pronounce the subject guilty or not guilty.

Q. In case of an information filed by his Majesty's Attorney General, or the Master of the Crown Office, can any Judge, or other person presiding at the trial, pronounce the subject guilty ?

A. No : The Jury, who are the Judges both of the law and the fact, can alone pronounce him guilty or not guilty.

Q: In criminal cases, who pronounces the sentence of the law ?

A. The Judge, or other person, named by his Majesty in the commission.

Q. Are the Nobility and their causes tried in the same manner as Commoners ?

A. In cases of property, there are the same proceedings for the Peer as for the peasant ; even property claimed by the Crown is subject to the decisions of his Majesty's Courts : But in criminal cases, a Peer is tried only by his Peers or Equals ; if Parliament be sitting, by all the Peers who have a right to sit and

vote in Parliament ; if Parliament be not sitting, his trial is had before a certain number of the Peers (not less than twenty-three) summoned for that purpose, in the *Court of the Lord High Steward*. But by statute 7 William III. c. 3. upon all trials of Peers, for treason or misprison, all the Peers who have a right to sit and vote in Parliament, shall be summoned, at least twenty days before such trials, to appear and vote therein ; and every Lord appearing shall vote in the trial of such Peer, first taking the oaths of allegiance and supremacy, and subscribing the declaration against Popery. This is termed “ the Court of our “ *Lord the King in Parliament.*”

Q. Have the Spiritual Lords a right to “ sit and vote” in the Court of Lord High Steward, or that of our Lord the King in Parliament, in capital cases?

A. It is a subject that has occasioned some controversy ; and tho’ the Bishops do not “ sit and vote” in these cases, they do not wave or give up the idea of right. *

* “ Some incline to imagine them included under the general “ words of the statute of King William, all Peers, who have “ a right to sit and vote in Parliament : But the expression had “ been much clearer, if it had been, all *Lords*, and not *Peers* ; “ for though Bishops, on account of the Baronies annexed to “ their Bishopricks, are clearly Lords of Parliament, yet, their “ blood not being ennobled, they are not universally allowed to “ be Peers with the temporal Nobility : And perhaps this word “ might be inserted purposely with a view to exclude them. How- “ ever, there is no instance of their sitting on trials for capital offen- “ ces, even upon impeachments or indictments in full Parliament, “ much less in the Court we are now treating of ; for indeed “ they usually withdraw voluntarily, but enter a protest declar- “ ing their right to stay. It is observable that, in the eleventh “ chapter of the Constitutions of Clarendon, made in Parlia- “ ment 11 Hen. II. they are expressly excused, rather than “ excluded, from sitting and voting in trials, when they come “ to concern life or limb: *Episcopi, sicut caeteri Barones, debent “ interesse judiciis cum Baronibus, quousque preveniatur ad dimi- “ nutionem membrorum, vel ad mortem* : And Becket’s quar- “ rel with the King hereupon was not on account of the excep- “ tion (which was agreeable to the canon law) but of the gene- “ ral rule, that compelled the Bishops to attend at all. And “ the determination of the House of Lords in the Earl of Dan-

Q. Does an English Jury peremptorily try an alien, or his cause, in this country ?

A. No : In such trial, the Jury is half denizens, the other half aliens, if so many be forth coming in the place ; treason excepted.

Q. May not a Jury be challenged, or objected to ?

A. Yes ; the whole *array*, or pannel ; or any particular *poll*, or person ; and that either by the plaintiff or defendant in law cases ; by either the Crown or the subject in criminal ; but not to more than thirty-five. The prisoner may challenge peremptorily *twenty* Jurors : The Crown must shew cause for challenging. *

“ by’s case, which hath ever since been adhered to, is consonant to these Constitutions ; *that the Lords Spiritual have a right to stay and sit in Court in capital cases, till the Court proceeds to the vote of guilty or not guilty.* It must be noted, that this resolution extends only to trials in *full Parliament* : For to the Court of the Lord High Steward (in which no vote can be given, but merely that of guilty, or not guilty) no Bishop, as such, ever was or could be summoned ; and though the statute of King William regulates the proceedings in that Court, as well as in the Court of Parliament, yet it never intended to new-model or alter its Constitution ; and consequently does not give the Lords Spiritual any right in cases of blood which they had not before. And what makes their exclusion more reasonable, is, that they have no right to be tried themselves in the Court of the Lord High Steward, and therefore surely ought not to be Judges there. For the privilege of being thus tried depends upon nobility of blood, rather than a seat in the House ; as appears from the trials of Popish Lords, of Lords under age, and (since the Union) of the Scots Nobility, though not in the number of the sixteen ; and from the trials of females, such as the Queen Consort or Dowager, and of all Peeres by birth ; and Peeres by marriage also, unless they have, when Dowagers, disparaged themselves by taking a Commoner to their second husband ” —

BLACKSTONE.

* “ However it is held, that the King need not assign his cause of challenge, till all the pannel is gone through, and unless there cannot be a full Jury without the person so challenged. And then, and no sooner, the King’s Counsel must shew the cause : Otherwise the Juror shall be sworn.” —

BLACKSTONE.

Q. Are there not some inferior courts where justice is administered in a summary way ?

A. Yes : Courts of pie-powder, in towns where markets or fairs are held ; where justice is *supposed*, in the eye of the law, to be done “ as speedily as dust can fall from the foot ;” but is far from being so speedy in fact. And, particularly, the modern Courts of request or conscience, for recovery of debts under forty shillings ; wherein the Commissioners of the Courts examine in a summary way, by the oaths of the parties or other witnesses ; and finally “ make such order therein as is consonant to equity “ and good conscience.” This truly speedy mode of obtaining justice (which is attended with very little expence or trouble) is of great service to trading towns ; tho’ it is very opposite to trial by jury.

Q. Are there no other Courts for the recovery of small debts ?

A. Yes. Courts baron, hundred Courts, and county Courts, very much disused of late years ; where trial is had by JURY : but they are in general attended with much more delay and expence than Courts of conscience.

Q. In what estimation is trial by jury held by the people of England ?

A. In the highest possible : They consider it as the bulwark of their liberties ; their sure protection against any arbitrary encroachments of Monarchial or Aristocratical power ; for tho’ the Judge who presides, represents, and is appointed by, the King’s Most Sacred Majesty ; and tho’ the Judge be himself a member of the Aristocratic part of the community (as the Lord Chief Justice of the Court of King’s Bench usually is) yet cannot the meanest Democrat be deprived of his supposed property, or be pronounced guilty of an imputed crime, without the joint consent of twelve members of the Democratic part ; all of whom the Constitution supposes to be his *pares*, or equals, and these indifferently chosen from his own vicinage : Nor, unless in certain cases (the fewer the better) can he even be arraigned until at least twelve others have determined, upon oath, that there is sufficient cause to presume the probability of his guilt.

Q. Does this mode of trial exill in any other country ?

A. No. There is the *name* of a Jury in some other countries ; but, when compared to an English Jury, it is *name only*.

Q. What are denominated public offence s?

A. They are too multitudinous, to relate every particular denomination of them at present ; but they are *generally* divided into two classes ; all the greater offences, or those most severely punished, being accounted *crimes*, tho' exceedingly various in their degrees of atrocity ; and all the lesser ones, being called *misdemeanors*.

Q. Is not the punishment of crimes proportioned to the injury which the State sustains by them ?

A. Not obviously : The depriving a fellow-subject of his property, to the value of six pence only, or less, is, in some cases, punishable with death ; the same as in cases of murder and treason.*

Q. Are capital punishments frequent in this country ?

A. Peculiarly so : (If we exempt times of revolution or civil commotion, as in France, for instance, at this present.)

* “ The enacting of penalties, to which a whole nation
 “ shall be subject, ought not to be left as a matter of indiffer-
 “ ence to the passions or interests of a few, who, upon tempo-
 “ rary motives, may prefer or support such a bill ; but be calm-
 “ ly and maturely considered by persons who know what pro-
 “ visions the laws have already made to remedy the mischief
 “ complained of ; who can from experience foresee the probable
 “ consequences of those which are now proposed, and who will
 “ judge without passion or prejudice how adequate they are to
 “ the evil. It is never usual in the House of Peers even to read
 “ a private bill, which may affect the property of an individual,
 “ without first referring it to some of the learned Judges, and
 “ hearing their report thereon : And surely equal precaution is
 “ necessary, when laws are to be established, which may affect
 “ the property, the liberty, and perhaps even the lives, of
 “ thousands. Had such a reference taken place, it is impossible
 “ that in the eighteenth century it could ever have been made
 “ a capital crime, to break down (however maliciously) the
 “ mould of a fishpond, whereby any fish shall escape ; or to
 “ cut down a cherry-tree in an orchard.” — BLACKSTONE.

Q. Do they tend to lessen crimes ?

A. Apparently, they do not : There is rather reason to conclude, that the frequency of such punishments take away the dread of them from the wicked ; and prevent those compassionate persons from prosecuting offenders, who cannot always reconcile the punishment with the crime.*

Q. On what principles is the *right* of inflicting capital punishments founded ?

A. On self-preservation, and the divine laws of the Creator, in such as are crimes against nature, as murder in particular ; and this *right* to inflict the punishment of death, in such cases, would, in an uncivilized state, *naturally* belong to the aggrieved individuals : but in a civilized community, it is transferred from the individual to the Sovereign Power. — With respect to the *right* of inflicting capital punishments in cases of lesser magnitude, it can be founded solely on the *implicit* consent of the party suffering ; who, by being a member of the State or community, is thereby understood, either tacitly or expressly, to have concurred in investing the Sovereign Power with the authority to make and execute laws.

* “ It is a melancholy truth, that among the variety of actions which men are daily liable to commit, no less than an hundred and sixty have been declared by act of Parliament to be felonies without benefit of clergy ; or, in other words, to be worthy of instant death. So dreadful a list, instead of diminishing, increases the number of offenders. The injured, through compassion, will often forbear to prosecute : Juries, through compassion, will sometimes forget their oaths, and either acquit the guilty or mitigate the nature of the offence ; and Judges, through compassion, will respite one half of the convicts, and recommend them to the Royal mercy. Among so many chances of escaping, the needy and hardened offender overlooks the multitude that suffer ; he boldly engages in some desperate attempt, to relieve his wants or supply his vices ; and, if unexpectedly the hand of justice overtakes him, he deems himself peculiarly unfortunate, in falling at last a sacrifice to those laws, which long impunity had taught him to contemn.” — BLACKSTONE.

Q. On what ground is the *policy* founded of inflicting capital punishment for crimes which are not against nature?

A. It is thus defined by Sir Matthew Hale: "When offences grow *enormous*, frequent, and *dangerous* to a kingdom or State, destructive or highly pernicious to civil societies, and to the great insecurity and danger of the kingdom or its inhabitants, severe punishment, and even death itself, is necessary to be annexed to laws, in many cases, by the prudence of law-givers."

Q. Is it only the enormity and dangerous tendency of the crimes that constitute the *policy* of the punishment?

A. On no other ground would it be even justifiable.*

Q. Are punishments, by our law, considered as *retaliations* of injuries, according to the Mosaic decree, "an eye for an eye," &c.?

A. No. They are considered only as expedients to *prevent* dangerous persons from doing more mischief, and to *deter* others, from being guilty of similar offences. The law does not consider

* "To shed the blood of our fellow creatures is a matter that requires the greatest deliberation, and the fullest conviction of our own authority: For life is the immediate gift of God to man; which neither he can resign, nor can it be taken from him, unless by the command or permission of him who gave it; either expressly revealed, or collected from the laws of nature or society by clear and indisputable demonstration.

"I would not be understood to *deny* the right of the Legislature in any country to enforce its own laws by the death of the transgressor, though persons of some abilities have *doubted* it; but only to suggest a few hints for the consideration of such as are, or may hereafter become legislators. When a question arises, whether death may be lawfully inflicted for this or that transgression, the wisdom of the laws must decide it: And to this public judgment or decision all private judgments must submit; else there is an end of the first principle of all society and government. The guilt of blood, if any, must lie at their doors, who misinterpret the extent of their warrant; and not at the door of the subject, who is bound to receive the interpretations that are given by the Sovereign Power."

— BLACKSTONE.

the death of a murderer as a *sufficient* compensation, or atonement, for the destruction of a good citizen; that being entirely left to the still more awful determination of Him who gave life to both. Neither does it suppose, that the subject who has been robbed of a trifling property cannot be *satisfied* without shedding the blood of the offender.

Q. Are all public offences committed against the State?

A. Yes. Tho' the injury sustained, in the generality of instances, is merely individual, yet the State is supposed to be injured in the person of its member; it is therefore that prosecutions are carried on against accused parties, in the name of the Chief Magistrate, as the protector and guardian of the nation.

Q. Are there not offences which are *more particularly* called State crimes?

A. Yes: Such as directly militate against the King's person, or against the Sovereign Power, or the general welfare of the community: Such as high treason, sedition, misprision, præmunire, &c.

Q. What is treason?

A. Treason is a breach of allegiance, either *high* or *petit*; the latter including all offences against those subjects, to whom, in the eye of the law, the offenders owe private or domestic fealty: The former comprizing those crimes which are against the person of the King, his crown, and dignity; and which are accounted the most atrocious that a subject can be guilty of.

Q. How many descriptions of *petit* treason are there in the English law?

A. Three, viz. — A wife killing her lord, or husband; a servant killing his lord, or master; and an ecclesiastic killing his lord, or bishop.

Q. How is *high* treason defined?

A. There were formerly a great variety of treasons and definitions or constructions of treason; "but to prevent the inconveniences which began to arise in England, from the multitude of constructive treasons, the statute 25. Edward III. c. 2.

“ was made.” This statute comprehends seven distinct species of high treason.

Q. What is the first species of high treason, mentioned in the statute of Edward III. ?

A. “ When a man doth compass or imagine the death of our Lord the King, or of our Lady his Queen,* or of their “ their eldest son and heir.”

Q. In case of an usurpation of the Crown, would compassing or imagining the death of the usurper be high treason, within the meaning of this statute ?

A. Yes : As he would be a King *de facto*, tho’ not *de jure*, it is held that a temporary allegiance would be due to him for his administration of the government, and temporary protection of the public.

Q. Can any words uttered, written, or published, be construed into this species of treason ?

A. Words uttered merely cannot legally be so construed ; their meaning being frequently, perhaps always, dependant upon other words with which they are, or may be connected : They are also often liable to be misremembered, mistaken, and perverted, by the hearer : They frequently differ in their signification, even from a variation in look, gesture, or tone of voice ; and silence itself is sometimes more significant and expressive than discourse : “ As therefore nothing can be more equivocal “ and ambiguous than words, it would, indeed, be unreasonable “ to make them high treason.”† But if such words are written,

* “ Under this description it is held, that a Queen regnant (such as Queen Elizabeth and Queen Anne) is within the “ words of the act, being invested with Royal power and entitled to the allegiance of her subjects : But the husband of “ such Queen is not comprized within these words, and therefore “ no treason can be committed against him.” — BLACKSTONE.

† “ How far mere words, spoken, by an individual, and not “ relative to any treasonable act or design then in agitation, shall “ amount to treason, has been formerly matter of doubt. — We “ have two instances in the reign of Edward IV. of persons

and published, they might, perhaps, be construed as an *overt act*. Some have gone so far as to say, that the writing only, without publishing, would amount to this offence; but if the words be merely *speculative*, it is generally held, that they cannot constitute an *overt act*, even if published; and if not published, that they amount to no proof of guilty whatever. There *must* be some act of a more clear and obvious nature (either connected with words or not) to prove a person guilty; such as “to provide weapons for the purpose;” or “to conspire to imprison the King by force;” or “to move toward it by assembling company;” the law supposing, that all force used, or *apparently* intended to be used against the person of the King, purports the commission of this great offence; “it being an old observation, that there is generally but a short interval between the prisons and the graves of Princes.”

Q. What is the second species of high treason?

A. “If a man do violate the King’s companion, or the King’s eldest daughter unmarried, or the wife of the King’s eldest son and heir.”

Q. Who is meant by the King’s companion?

A. His wife, who, if she be consenting, incurs equal guilt with the other party.

Q. Does this species of high treason include the violation of a Queen Dowager, or of a Princess Dowager?

“executed for treasonable words: The one a citizen of London, who said he would make his son heir of the *Crown*, being the sign of the house in which he lived; the other a gentleman, whose favorite buck the King killed in hunting, whereupon he wished it, horns and all, in the King’s belly. These were esteemed hard cases: And the Chief Justice Markham rather chose to leave his place than assent to the latter judgment. But now it seems clearly to be agreed, that, by the common law and the statute of Edward III. words spoken amount only to a high misdemeanor, and no treason.”

“The tyrant Dionysius is recorded to have executed a subject barely for dreaming that he had killed him; which was held for a sufficient proof, that he had thought thereof in his waking hours. But such is not the temper of the English law.” — BLACKSTONE.

A. It is understood not to extend thereto : The obvious intent in making the offence high treason being to guard the blood Royal from any suspicion of bastardy, whereby the succession to the Crown might be rendered dubious ; therefore when this reason ceases, then the law ceases.

Q. What is the third species of high treason ?

A. " If a man do levy war against our Lord the King, in
" his realm."

Q. What constitutes this offence ?

A. Taking up arms, not only to dethrone the King, but under pretence to reform religion or the laws, or to remove evil counsellors, or other grievances, whether real or pretended ;* or to resist the King's forces, by defending a castle against them.

Q. Do not insurrections sometimes amount to this crime ?

A. Yes : Such as are *avowedly* to pull down *all* inclosures, *all* brotels, and the like ; the universality of the design making it a rebellion against the State. But tumults for the purposes of pulling down any certain or particular house, or laying open any certain or particular inclosure, do not amount thereto : Neither if two subjects levy war against each other (as formerly was too frequent throughout Europe ;) that only amounting to a great riot or contempt, but no treason.

Q. What is the fourth species of high treason.

A. " If a man be adherent to the King's enemies in his
" realm, giving to them aid and comfort in the realm or else-
" where."

Q. Who are understood to be the King's enemies?

* " The law does not, neither can it, permit any private
" man, or set of men, to interfere forcibly in matters of such
" high importance ; especially as it has established a sufficient
" power, for these purposes, in the High Court of Parliament :
" Neither does the Constitution justify any private or particular
" grievances ; though in cases of national oppression the nation
" has very justifiably risen as one man, to vindicate the original
" contract subsisting between the King and his people." —

BLACKSTONE.

A. The subjects of foreign powers, with whom he, as King of this country, may be at open war ; foreign pirates or robbers who may invade our coasts, without open hostilities between their nation and our own ; and our fellow subjects, when in open rebellion at home.

Q. Is to relieve a rebel subject “ elsewhere,” high treason, within the meaning of this statute ?

A. It has been held by very eminent lawyers, that to relieve a rebel fled out of the kingdom is not ; “ for the statute is taken “ strictly ; and a rebel is not an *enemy*; an enemy being always “ the subject of some foreign Prince, and one who owes no “ allegiance to the Crown of England.”

Q. Is there no admitted excuse for this species of high treason in case of compulsion ?

A. Yes. It is held, that if a man, “ through a well-grounded “ apprehension of injury to his life or person,” be under an actual constraint or force, even to *join* either rebels or enemies in the kingdom, such well-grounded apprehension is a sufficient excuse for him, provided he leaves them whenever he has a safe opportunity.

Q. What is the fifth species of high treason ?

A. “ If a man counterfeit the King’s Great or Privy Seal *

* “ If a man takes wax bearing the impression of the Great “ Seal off from one patent, and fixes it to another, that is held “ to be only an abuse of the Seal, and not a counterfeiting of “ it ; as was the case of a certain chaplain, who in such manner framed a dispensation for non-residence. But the knavish “ artifice of a lawyer much exceeded this of the divine. One “ of the clerks in Chancery glewed together two pieces of parchment ; on the uppermost of which he wrote a patent, to which “ he regularly obtained the Great Seal, the label going through “ both the skins. He then dissolved the cement ; and taking “ off the written patent, on the blank skin wrote a fresh patent “ of a different import from the former, and published it as true. “ This was held no counterfeiting of the Great Seal, but only a “ great misprision ; and Sir Edward Coke mentions it with some “ indignation, that the party was living at that day.” —
BLACKSTONE.

Q. What is the sixth species of high treason ?

A. " If a man counterfeit the King's money ; and if a man
" bring false money into the realm, counterfeit to the money of
" England, knowing the money to be false, to merchandize,
" and make payment withal."

Q. What is the seventh species High Treason ?

A. " If a man slay the Chancellor, Treasurer, or the King's
" Justices of the one Bench or the other, Justices in Eyre, or
" Justices of Assize, and all other Justices assigned to hear and
" determine, being in their places, doing their offices."

Q. Why was this offence denominated a species of high treason ?

A. Because such Magistrates *represent* the King's Most Excellent Majesty.

Q. Have any other species of treason been introduced into our laws since the seven defined by statute Edward III ?

A. Yes, in the next reign, that of Richard II. a number of constructive or supposed offences were declared to be high treason ;* but in the succeeding reign an act was passed, reciting, " that no man knew how to behave himself, to do, speak, or say, for doubt of such pains of treason ; and therefore it was accorded, that, in no time to come, any treason be judged otherwise than was ordained by the statute of King Edward the Third."—A variety of strange and new fangled treasons sprang up afterwards, particularly in the reign of Henry VIII. ; but by statute of 1. Mary, c. 1. treasons were once more reduced to the seven declared by statute 35 Edward III.

* " The most arbitrary and absurd of all which was by the statute which made the bare purpose and intent of killing or deposing the King, without any overt act to demonstrate it, high treason. And yet so little effect have over-violent laws to prevent any crime, that within two years afterwards this very Prince was both deposed and murdered."

Q. Cannot any other offence be *construed* into one or either of these species of high treason, by a parity of reasoning, or by a mental construction of the fact ?

A. No. The said statute of Edward III. carefully prevents it in the following words : “ Because other like cases of treason
“ may happen in time to come, which cannot be thought of
“ nor declared at present, it is accorded, that if any other case
“ supposed to be treason, which is not above specified, doth
“ happen before any Judge ; the Judge shall tarry without
“ giving judgment of the treason, till the cause be shewed and
“ declared before the King and his Parliament, whether it ought
“ to be judged treason, or other felony.” * So that there can be no new treasons, or *constructions* of treasons, established, without new statutes for the purpose.

Q. Have not the Legislature since created more offences of this kind ?

A. Yes. Particularly with respect to coin and coinage ; the offences, with respect thereto being before confined to actually counterfeiting and importing the counterfeit coin of this kingdom : Whereas now, by a variety of statutes, passed since that of 1 Mary c. 1. forging or counterfeiting *any* coin cur-

* “ Sir Matthew Hale is very high in his encomiums on the
“ great wisdom and care of the Parliament, in thus keeping
“ Judges within the proper bounds and limits of this act, by
“ not suffering them to run out (upon their own opinions) into
“ constructive treasons, though in cases that seem to them to
“ have a like parity of reason ; but reserving them to the
“ decision of Parliament. This is a great security to the pub-
“ lic, the Judges, and even this sacred act itself ; and leaves
“ a weighty *memento* to Judges to be careful, and not overhasty
“ in letting in treasons by construction or interpretation, espe-
“ cially in new cases that have not been resolved and settled.
“ 2. He observes, that as the authoritative decision of these *casus*
“ *omissi* is reserved to the King and Parliament, the most regu-
“ lar way to do it is by a new declarative act : And therefore the
“ opinion of any one or of both Houses, though of very
“ respectable weight, is not that solemn declaration referred to
“ by this act, as the only criterion for judging of future
“ treasons.” — BLACKSTONE.

rent in this realm has been made high treason : As also clipping, washing, rounding, or filing, “ for wicked gain’s sake.” either the money of this realm, or other money suffered to pass current here ; or impairing, diminishing, falsifying, sealing, or lightening the same ; making, mending, or assisting in so doing ; or buying, selling, concealing, hiding, or knowingly having in possession, any dye, or other tool or instrument used in, or proper only to be used in the coinage of money. Also conveying, counselling, procuring, aiding, or abetting, any person to convey such tool or instrument out of the King’s Mint. Also, counterfeiting the edge (or miling) of the coin current, or colouring, gilding, or casing any coin, even round blanks of base metal, to resemble the same. And, also, the colouring or altering any shilling or sixpence, whether lawful or counterfeit, to make them respectively resemble a guinea or half a guinea ; or any *halfpenny* or *farthing*, to make them respectively resemble a *shilling* or *sixpence* !

Q. Are there no other new species of treason. created since those already defined, but what relate to the coin ?

A. By 1 Mary, c. 6. Falsly forging or counterfeiting the Sign Manual, or Privy Signet, or Privy Seal, is made such.—But the most material of the new species of treason, and which is indeed of great consequence to the prosperity of the State, was created after the act of settlement was made for transferring the Crown to the present illustrious Royal Family, and is intended for the security of the *Protestant* succession. It was enacted by statute 13 & 14 W. III. c. 3. that the pretended Prince of Wales, who was then thirteen years of age, and had assumed the title of King James III. should be attainted of high treason ; and it was made high treason for any of the King’s subjects, by letters, messages, or otherwise, to hold correspondence with him, or any person employed by him, or to remit any money for his use, knowing the same to be for his service. And by statute 17 Geo. II. c. 39. it is enacted, that if any of the sons of the Pretender shall land, or attempt to land, in this kingdom, or be found in Great-Britain, or

Ireland, or any of the dominions belonging to the same, he shall be judged attainted of high treason, and suffer the pains thereof. And to correspond with them, or to remit money for their use, is made high treason in the same manner as it was to correspond with the father. By the statute 1 Anne, st. 2. c. 17. if any person shall endeavor to deprive or hinder any person, being the next in succession to the Crown, according to the limitations of the act of settlement, from succeeding to the Crown, and shall maliciously and directly attempt the same by any overt act, such offence shall be high treason. And by statute 6 Anne, c. 7. if any person shall maliciously, advisedly, and directly, by writing or printing, maintain and affirm, that any other person hath any right or title to the Crown of this realm, otherwise than according to the act of settlement; or that the Kings of this realm, with the authority of Parliament, are not able to make laws and statutes, to bind the Crown and the descent thereof, such person shall be guilty of high treason.*

Q. Is there not a species of high treason created very lately?

A. Yes: There is a statute, called the traitorous correspondence act, passed, and to continue in force only, during the present war, making it high treason to supply the French, or to cause them to be supplied with certain articles, principally provisions and warlike stores: As also to buy, or contract to buy, any real property in or belonging to France; or to lend, or advance,

* “ This offence (or indeed maintaining this doctrine in any
 “ wise, that the King and Parliament cannot limit the Crown)
 “ was once before made high treason, by statute 13 Elizabeth,
 “ c. 1. during the life of that Princess. And after her decease
 “ it continued a high misdemeanor, punishable with the forfei-
 “ ture of goods und chattels, even in the most flourishing æra
 “ of indefeasible hereditary right and *jure divino* succession:
 “ But it was again raised into high treason, by the statute of
 “ Anne, at the time of a projected invasion in favour of the
 “ then Pretender: and upon this statute one Matthews, a printer,
 “ was convicted and executed in 1719, for printing a treasonable
 “ pamphlet entitled, *Vox populi vox Dei.*” — BLACKSTONE.

any money, coin, bullion, notes, bills of exchange, or any other valuable thing, for that purpose.*

Q. What is the sentence passed on a person found guilty of high treason?

A. That he be drawn to the gallows (usually on a sledge or hurdle :) That he be hanged by the neck, and then cut down alive : That his head be cut off : That his body be divided in four parts : That his head and quarters be at the King's disposal. But the King may, and oftendoth discharge a part of the punishment, and sometimes the whole except beheading. — In case of coining, the offender is only drawn to the gallows, and hanged by the neck till he be dead.

Q. What is sedition?

A. It is a crime variously described, frequently loosely construed, and, too often, for the want of a more certain and positive definition, is liable to be misapplied. It however properly applies in all cases wherein *evil disposed* persons raise, or endeavor to raise, *unjust* commotions, dissensions, or disturbances, to the endangering the general welfare, or to bringing the Legislative Government, or either part thereof, or the Executive Government, into contempt or disesteem.

Q. What do you mean by the words evil disposed persons?

A. Persons *evilly intending* that their words, discourse, or actions, may have a seditious *effect* ; without which evil intent sedition cannot exist.

Q. Who is competent to discriminate in this case?

A. A Jury only.

Q. Are there not seditious circumstances, wherein the evil intention is *apparent*?

* By the same act, persons going to reside in France, during the war, without his Majesty's licence, are liable to imprisonment, for any term not exceeding six months ; as are also all persons making insurances on ships or arms, or other goods therein mentioned, bound for France, and the insurances to be also void — except as to goods being the natural growth of the island of Tobago, and the property of his Majesty's subjects there.

A. Yes : The law supposes it to be apparent, when accompanied by some *act correspondent* thereto ; but the description of this correspondent *act* is almost as indefinite as the crime itself : It will, however, well apply, whenever persons assemble together for the avowed purpose of counteracting the known law ; also to the assembling or gathering of other persons together, to impress them with a desire to *revenge* for any real or supposed grievances ; or to persuade any person or persons to demand redress in any other way than by the legally constituted means.

Q. Are there not some species of sedition, which *prove* the intent, by the *words* spoken or published ?

A. With respect to *words published*, it is held that, if they were of a seditious tendency, they would prove the *intent*, as therein is a something *deliberately done* ; yet the deliberation *of itself* does not make the *evil* ; the *evil* must arise out of the *words*, which should always be left to their own obvious meaning.—But words merely *spoken* do not *prove* any intent. For instance, if any man should write and publish a curse upon the King, the *deliberation* required to write and publish any thing so heinously seditious would fully *prove* the *words* to be evilly-intended : Yet the *same* words, or others, equally wicked, may, perhaps, be orally pronounced, in the heat of passion, or in the paroxysm of irritation or aggravation, without *proving*, or without being accompanied with, any evil intent whatever.

Q. May not this crime be *ignorantly* committed ?

A. It is held not ; because it must be the *act* of the will. For instance, if a man should, *ignorantly*, express that the taxes were oppressive, merely because, as an individual, he felt their weight, or had a sincere desire solely to the melioration of his condition ; or without knowing or considering that he thereby called the Legislature oppressors ; there would be but few juries who would find an evil intent in him : Yet, on the contrary, if a man should say so, *wittingly*, or knowing the heinousness of the words, *his* guilt would be increased by the circumstance of his being actually or virtually a party to the imposing of those taxes which he should afterwards so seditiously call oppressive.

Q. Is it seditious to endeavor, either by words or actions, to prevent or remove any notorious abuses in the Government ?

A. As the highest duty of every member of the community is the preservation of the State, so it is not only right, but strictly incumbent upon him, to do all he legally can do to prevent and remove abuses therein ; but, under that pretence, he is not to go beyond the bounds the Constitution prescribes to him, as he may thereby not only become guilty of sedition but even of high treason.

Q. Are not all words published reflecting on the Government seditious ?

A. It has been latterly held so, by some who wish to strain the laws too tightly : But it is generally agreed, that words merely speculative are not so ; as otherwise there would soon be an end to the liberty of the press, which is one of the greatest privileges this nation enjoys, and is the highest *proof* of our political freedom and independence.*

* It becomes every Englishman, who glories in the liberty of the press, to contribute his portion of assistance to the preservation of that justly boasted paladium of British Freedom. — Were not all the public actions of public men liable to public applause and public censure, public virtue would be as little sought after, and public vice as seldom shunned, in this country as in the most despotic State existing. — It is the approbation or disapprobation of the Public, as legally expressed from the press, in all countries where its liberty is revered, which public men, of all ranks and orders, seem most to court or dread. — “ In short (says De Lolme, in his Essay on the English Constitution) “ whoever considers what it is that constitutes the moving principle of what we call great affairs, and the *invincible sensibility* “ of man to the *opinion* of his fellow creatures, will not hesitate to affirm, that if it were possible for the *liberty of the* “ *press* to exist in a despotic Government, and (what is not less “ difficult) for it to exist without changing the Constitution, “ this liberty of the press would, *alone*, form a counterpoise to “ the power of the Prince. If, for example, in an empire “ of the East, a sanctuary could be found, which, rendered respectable by the ancient religion of the people, might ensure “ safety to those who should bring thither their observations of “ any kind ; and that, from thence, printed papers should issue,

Q. Wherein does the liberty of the press principally consist ?

A. In that it extends to the animadverting, with freedom and decency, upon the whole conduct, good or bad, of all the servants of the public, and in freely and candidly discussing all measures, together with their good or evil tendency, which have been pursued, or may be pursuing, or are about to be pursued, for the supposed benefit of the State.

Q. What preventatives are there that this great liberty be not abused ?

A. Whenever it is licentiously exercised, and tends rather to foment evils than to correct wrongs ; whenever it tends rather to create disorders than to remedy abuses ; and whenever it tends rather to encourage the wicked than to check misdoers, it becomes sedition, and is punishable as such. Also, whenever it licentiously attacks private character instead of public folly, it is defamation, and is punishable as such.

Q. Is not the distinction between the liberty and the licentiousness of the press, in many cases, very nice ?

A. Yes : But as its liberty is a privilege of such great moment, it has been generally held, that it is better it should rather exceed its boundaries than be too narrowly confined : Yet whenever its licentiousness goes to any *considerable* distance beyond the limits of its liberty, or its liberty is repelled *far* within the pale of licentiousness, the distinction is obvious enough.

“ which, under a certain seal, might be equally respected ; and
 “ which, in their daily appearance, should examine and freely
 “ discuss the conduct of the Cadis, the Bashaws, the Vizier,
 “ the Divan, and the Sultan himself: *that* would introduce,
 “ *immediately*, some degree of liberty.”——But this inestimable jewel, so deservedly esteemed in this country, is not to be *ruined*, either by the foul blots of factious libellers, or by the licentious writings of those who make their dark attacks on the fame and character of private individuals : — In such cases, our laws have wisely provided for the punishment of those who are so presumptuous as to *abuse* this sacred and invaluable blessing.
 —— Neither is it to be *cast away*, either at the mandate of those who would screen themselves in power, or of those who are so *shamefully* lost to every regard for the welfare of mankind as to wish its suppression or annihilation.

Q. Why is the liberty of the press understood to be a privilege, and not an assumption?

A. Because the people are virtually a part of the Legislative or Supreme Power.

Q. What is the punishment inflicted on persons found guilty of sedition or libelling?

A. " Fine, and such corporal punishment" (generally imprisonment) " as the Court in its discretion shall inflict."

Q. What is misprision?

A. It is sometimes the concealment of a felony: But its most *peculiar* meaning, as a State crime, is the knowledge and concealment of treason.

Q. May a person be guilty of this offence without assenting to the treason?

A. Yes: The smallest degree of assent would make him a participator in the guilt, and, of course, a principal traitor.

Q. What is the duty of a person knowing of any treasonable offence?

A. To reveal the same directly, or as soon as conveniently may be, to some Judge of Assize or Justice of the Peace.

Q. Do not persons, not knowing what treason is, sometimes ignorantly reveal that which has no affinity to it, and Magistrates, in consequence, trouble innocent men?

A. It is to be lamented that persons not knowing the nature or complexion of their own laws, do sometimes run into *ignorant*, if not wanton and cruel mistakes: But, with respect to Magistrates, it would be wrong, perhaps, ever to impute *ignorance* to them, as such; their appointment being by the law, which cannot err; tho', as men, they are liable to mistakes and impositions.

Q. What is the punishment for misprision of treason?

A. Loss of the profits of lands during life, forfeiture of goods, and imprisonment during life.

Q. Are there no other species of misprision?

A. Yes: Several. Such as to forge foreign coin; concealing treasure trove (which is money, plate, &c. found *hidden* in the earth, &c. which belongeth to the King, if there be no owner known*;) the mal-administration of public justice; embezzlement of the public money; contempts towards *King and Government*; contempts against the King's *prerogative*, such as refusing assistance or counsel for the defence of the realm against a rebellion or invasion†; contempts against the King's *person and Government*, such as speaking or publishing any thing against them, cursing or wishing ill to him, giving out scandalous tales concerning him, or otherwise endeavoring to deprecate him in the esteem of his subjects§; contempts against *his title* (not amounting to high treason or *præmunire*) such as wantonly, thoughtlessly, or unadvisedly, denying it, in common discourse; or holding any office of public trust, and refusing to take the oaths of allegiance, supremacy, and abjuration: Also contempts against the King's *palace or Courts of Justice*.

Q. What are the punishments for these various misprisions?

A. Almost as various as the offences and their degrees of atrocity. Particularly striking in the palace, wherein the Royal person resides, *so as to draw blood*, is punishable by perpetual imprisonment, fine at the King's pleasure, and loss of the right

* "If he that hid it be known, or afterwards found out, the owner and not the King is intitled to it. Also if it be found in the sea, or *upon* the earth, it doth not belong to the King, but the finder, if no owner appears. So that it seems it is the *hiding*, and not the *abandoning* of it, that gives the King a property."——BLACKSTONE.

† Under which class may be reckoned the neglecting to join the *posse comitatus*, or power of the county, being thereunto required by the Sheriffs or Justices, according to the statute of Henry V. c. 8. which is a duty incumbent upon all that are fifteen years of age, under the degree of nobility, and able to travel."——BLACKSTONE.

§ It has been held an offence of this species to drink to the pious memory of a traitor; or for a clergyman to absolve persons at the gallows, who there persist in the treasons for which they die: These being acts which impliedly encourage rebellion."——BLACKSTONE.

hand. But if a man draw a weapon at a Judge, sitting in a superior Court of Justice, in Westminster-Hall, or at the assizes, without striking such Judge, or if he strike any other person in such Court, whether blood be drawn or not, the offender is punishable with the loss of the right hand, imprisonment for life, and forfeiture of goods, chattels, and the profits of his lands during life. A *rescue* also of a prisoner from any of the said Courts, without striking a blow, is punished with perpetual imprisonment, and forfeiture of goods and of the profits of lands during life; being looked upon as an offence of the same nature with the last; but only, as no blow is actually given, the amputation of the hand is excused. For the like reason an affray, or riot, near the said Courts, but out of their actual view, is punished only with fine and imprisonment. In inferior Courts all *contempt* is punishable either by fine or imprisonment, or both, by the Judges there sitting.

Q. Is not holding of offices, and refusing to take the necessary oaths, peculiarly punishable?

A. Yes: By an incapacity to hold the said offices, or any other; to prosecute any suit; to be guardian or executor; to take any legacy or deed of gift; and to vote at any election for members of Parliament: And after conviction the offender shall also forfeit 500*l.* to him or them that will sue for the same. — Members on the foundation of any College in the two Universities, must also register a certificate thereof in the College register, within one month after; otherwise, if the electors do not remove him, and elect another within twelve months, or after, the King may nominate a person to succeed him by his Great Seal or Sign Manual. Besides thus taking the oaths for offices, any two Justices of the Peace may summon, and tender the oaths to, any person whom they shall suspect to be disaffected; and every person refusing the same, who is properly called a non-juror, shall be adjudged a Popish recusant convict, and subjected to severe penalties; which in the end may amount to the alternative of abjuring the realm, or suffering death as a felon.

Q. What are the punishments for the other contempts or misprisions ?

A. Seizure of land ; fine ; imprisonment ; pillory ; &c.

Q. What is the meaning of a *præmunire* ?

A. It is an offence which originally meant the establishing *imperium in imperio* ; and related most particularly to ecclesiastical Government. It is so called “ from the words of the writ preparatory to the prosecution thereof ; (*præmunire facias A. B.*) cause A. B. to be forewarned that he appear before us, &c.”

Q. For what purposes were the original statutes of *præmunire* founded ?

A. To weaken, invalidate, and finally destroy, the Papal authority in this kingdom.

Q. Were these effected at once, or at various periods of time ?

A. From the time of the Conquest when the Papal power took too firm and lasting a footing in this country, not only by the permission but by the countenance of the conqueror, that he might the more easily humble the spirits of a free-born people, many have been the struggles to counteract and destroy it ; and even when that disgrace to the English Sovereignty, King John, had the meanness to resign the Crown to the Pope, for the sake of re-accepting the same from the Pontiff's Legate, a just sense of the indignity pervaded all the independent individuals of the civil society : But it was not till the reign of Edward I. that any effectual check was made to this foreign power in our island ; when that Prince refused to admit his Bishops to a general council till they had sworn not to receive the Papal benediction, and opposed all the processes of the Court of Rome in his dominions. It was in the thirty-fifth year of that great and good Monarch that the *first* statute was made against Papal provisions. In the reign of his pusillanimous, successor Edward II. the Pope endeavored to regain what authority he had lost, in which that Monarch would have concurred, but that his Parliament firmly withstood him. In the reign of Edward III. it was unanimously agreed by all the estates of the realm, in Parlia-

ment assembled, that King John's donation of the Crown, being contrary to his coronation oath, and without the concurrence of Parliament, was null and void ; and that if the Pope should endeavor to maintain his usurpation, they would resist him with all their power. Several statutes of *præmunire* passed in the reigns of Richard II. and Henry IV. Various struggles were afterwards made, by the Papal clergy, to regain their power ; but in the reigns of Henry VIII. and Elizabeth several other statutes were passed, which not only totally extinguished it in this nation, but established and confirmed the Protestant religion.

Q. What are the principal statutes of *præmunire*, passed since the Reformation ?

A. Those of the 24th and 25th of Henry VIII. by which an appeal to Rome from any of the King's Courts (usually connived at before, tho' contrary to law ;) or to sue to Rome for any licence or dispensation ; or to obey any process from thence : Also, if the Dean and Chapter of any Collegiate Church refuse to elect the person named by the King, or any Arch Bishop or Bishop to confirm or consecrate him ;—are made liable to the pains and penalties of *præmunire*. Likewise that of the 5th of Elizabeth, by which refusing to take the oath of supremacy is a *præmunire* ; and to defend the Pope's jurisdiction in this realm, is declared to be a *præmunire* for the first offence, and high treason for the second.

Q. What is the punishment for a *præmunire* ?

A. That the party convicted thereof be out of the King's protection ; his lands, tenements, goods, and chattels, be forfeited to the King ; and that he be imprisoned at the King's pleasure, even for life.

Q. Are there no *modern* statutes of *præmunire*, which do not altogether relate to the abolition of Papal jurisdiction, and to the maintenance of the King's supremacy ?

A. Yes, many. The pains and penalties of a *præmunire* being of very considerable consequence, the Legislature has thought proper to annex them to various offences which bear

some less, some more, and some no relation whatever, to the abolition of the Papal authority.

Q. What are the principal of these now in force ?

A. Such as, acting as a broker or agent in any usurious contract where above 10 per cent. is taken. — Affirming, maliciously and advisedly, that both or either of the Houses of Parliament have a Legislative authority without the King. — Sending any subject of this realm a prisoner into parts beyond the seas.* — Refusing to take the oath of allegiance, when tendered by a Magistrate. — Serjeants, counsellors, proctors, attornies, and other officers of Courts practising without taking the oaths of allegiance and supremacy, and subscribing the declaration against Popery ; and this whether the oaths are or are not tendered. — Assenting, maliciously and directly, by preaching, teaching, or advisedly speaking, that the Pretender, or any other person otherwise than according to the acts of settlement and union, hath any right to the throne of these kingdoms ; or that the King and Parliament cannot make laws to limit the descent of the Crown†. — The assembly of Peers of Scotland, convened to elect their sixteen Representatives in the British Parliament, treating of any other matter besides the election. — All unwarrantable undertakings by unlawful subscriptions, such as the South-sea bubble. — Knowingly and willingly solemnizing, or assisting, or being present at, any forbidden marriage of such descendants of the body of King George II. as are prescribed by act 12 George III (commonly called the Royal Marriage act) to contract matrimony without the consent of the Crown.

Q. May the King remit the whole or any part of the punishment to persons convicted of *præmunire* ?

A. Yes : Except as to offences against the statute of *habeas corpus*.

Q. Are there no other offences which are particularly considered as State crimes ?

* This is by the habeas corpus act.

† By the same statute, 6 Anne, c. 7, writing, printing, or publishing these doctrines is high treason.

A. All felonies injurious to the King's prerogative are ranked as such ; particularly, those offences relative to the coin which do not amount to treason ; offences against the King's Council, serving a foreign Prince, without leave from the Sovereign ; embezzling the King's armour or stores of war : — And desertion from the King's army, in time of war, may be ranked with them. — Many very learned men have also reckoned rioting as an offence peculiarly against the State ; its consequences being too often very seriously injurious to the nation.

Q. What are the powers invested in the Civil Magistrates for the suppression of riots ?

A. They are exceedingly great, and fully sufficient to remove so alarming an evil : As not only all peace-officers, but every male (the clergy perhaps excepted) of age and ability, is obliged to assist them, upon pain of fine and imprisonment.

Q. Are such persons required to assist in a military capacity, or as citizens ?

A. As citizens only ; tho' a soldier is as much bound to assist as any other citizen, but not in his military capacity : The law leaving none of its operations to be performed by a military force, but by the civil power only.

Q. If any rioter or rioters should "happen" to be killed, in the legal suppression of a riot, is the homicide justifiable ?

A. It is made so by the statute 1 George I. c. 5, commonly called the *riot act*. — But then it must "happen" only (and that after proclamation made to the parties to depart) and must not be *wantonly* perpetrated, or be wilfully and previously *intended*. There must also exist "*an apparent necessity on the officer's side,*" such as that "*the riot COULD NOT be suppressed*" "*unless such homicide were committed ; otherwise*" "*without such absolute necessity, it is not justifiable.*"

Q. Who is the head of the national Church ?

A. The King ; whom the law hath declared to be so.

Q. Are all his subjects bound to acknowledge his supremacy ?

A. Yes ; and to make that acknowledgment, on oath, whenever they are required.

Q. Are dissenters from the national church permitted the free exercise of their religion ?

A. Yes : All Protestant dissenters are exempt from the penalties of certain laws against schism and non-conformity, by several statutes, particularly by 1. William and Mary c. 18, commonly termed the *Toleration act*; and by 10. Anne, c. 2, from the benefit of which Papists, and persons denying the doctrine of the Trinity, are excluded.

Q. Are not Papists liable to very severe pains and penalties ?

A. Yes; to many such. But, to the honor of that spirit of freedom which pervades our Constitution, some of the rigours to which they were subject are done away, by statute 18 Geo. III. c. 16, with respect to *such* Papists as take an oath, therein prescribed, of allegiance to the King, abjuration of the Pretender, renunciation of the Pope's civil power in this realm, and abhorrence of the doctrine of destroying and not keeping faith with hereticks, and deposing or murdering Princes excommunicated by the see of Rome. — And it is devoutly to be hoped, that, as the political reasons which may have, at first, made the very severe statutes against Papists absolutely necessary, die away, the condition of *all* such, who are good subjects, will be still meliorated.*

Q. Are the laws against Papists put in strict execution ?

* “ If a time should ever arrive, and perhaps it is not very distant, when all fears of a Pretender shall have vanished, and the power and influence of the Pope shall become feeble, ridiculous, and despicable, not only in England but in every kingdom of Europe ; it probably would not then be amiss to review and soften those rigorous edicts ; at least till the civil principles of the Roman Catholics called again upon the Legislature to renew them : For it ought not to be left in the breast of every merciless bigot, to drag down the vengeance of those occasional laws upon inoffensive, though mistaken, subjects ; in opposition to the lenient inclinations of the civil Magistrate, and to the destruction of every principle of toleration and religious liberty.” — BLACKSTONE.

A. No : They are rather held over them, *in terrorem*, than practised upon. If they were fully enforced, at this day, the heart must be callous, indeed, which would not shudder at them.

Q. May Protestant Dissenters be admitted to any offices of trust or honor ?

A. A Protestant Dissenter may be admitted to the very great and important office of a Legislator, or Member of Parliament ; but by the *Corporation act*, passed in the 13th year of Charles II. no person can legally be elected to any office relating to the government of any city or corporation, unless, within a twelve month *before*, he has received the sacrament of the Lord's Supper according to the rites of the Church of England, nor unless he takes the oaths of allegiance and supremacy : And by the *Test act*, passed in the 25th year of the same reign, all officers civil and military are publicly to take the said oaths, and make the declaration against transubstantiation, within six months *after* their admission ; and, within the same time, to take the sacrament of the Lord's Supper, according to the usage of the Church of England, in some public church, immediately after divine service and sermon, and to deliver into Court a certificate, signed by the Minister and Churchwarden, and likewise to prove the same by two credible witnesses, upon forfeiture of 500*l.* and disability to hold the office.

Q. Do these acts totally prevent Protestant Dissenters from executing such offices ?

A. No. As all other liege subjects, they have no objection to taking the oaths of allegiance and supremacy, nor to make the declaration against transubstantiation : And altho' they dislike taking the sacrament of the Lord's Supper according to the form of our national Church, by way of *compulsion*, yet many very good Dissenters fill offices, in consequence of their complying with the same ; no doubt, because they consider the *form*

(which alone constitutes the difference between their use of the ordinance and the Church of England's) as a non-essential.*

Q. Does the law provide any punishments for persons not attending public worship?

A. Yes; but they are almost totally dispensed with; tho' the evil which they were intended to suppress is become a shame and a reproach to a nation and Government professing Christianity.

— By the statutes 1 Elizabeth, c. 2, 23 Elizabeth, c. 1, and 3 James I. c. 4, persons absenting themselves from church (thro' irreligion, and not attending the service of other persuasions) are liable to forfeit one shilling to the poor for every Lord's Day they absent themselves; 20l. to the King, if they

* One of the principal objections which Churchmen, in general, have against the repeal of the Corporation and Test acts is the remembrance of the high hand with which the Dissenters conducted themselves when they had acquired an authority, particularly the ordinance of 1645, which inflicted pecuniary penalties for the first and second, and imprisonment for the third offence, in case of using the book of common prayer, not only in a place of public worship, but also in any private family: Yet as this very severe ordinance was passed in a time of civil commotion, it is certainly wrong to endeavor to affix the rancour of those days upon the descendants of either party, especially as but very few traits of the former spirit of bitterness are to be discovered in the complexion of the present times. The Protestant Dissenters have made several struggles, of late years, to procure a repeal of the said acts; and, indeed, many Churchmen (not bigoted ones we may suppose) who would be glad to see all offices filled with good men, and not merely by a particular denomination of persons, whether good or bad, heartily concur in the wish that they were repealed, as far as respects the taking of the sacrament in a peculiar form, leaving the necessary oaths of allegiance, &c. remain; as also the declaration against transubstantiation: Introducing, at the same time, as a security for the Protestant religion, a proper vouchment that the parties were neither Papists nor persons denying the Trinity; which latter description of men, it is to be feared, have too often crept into offices by *trifling* with the sacred ordinance (used in remembrance of that Blessed Saviour whose divinity they deny) and not only swear themselves upon the holy Gospel, but swear others thereupon, whilst they totally disbelieve the important truth it communicates, viz. that Jesus Christ was the Son of God.

continue absent a month together ; — and to forfeit ten pounds per month, if they keep any such irreligiously disposed inmate in their houses.

Q. Are there any punishments for persons renouncing or denying the Christian religion ?

A. Yes : This being a Christian nation, the Legislature has thought proper to provide for its religious safety, particularly against persons who have been brought up in the Christian faith, and who, having given up the truth themselves, are too often insidiously endeavoring to make proselytes of others : — Therefore, it is enacted, by statute 9 and 10 William III. c. 32, that if any person educated in, or having made profession of, the Christian religion, shall, by writing, printing, teaching, or advisedly speaking, deny the Christian religion to be true, or the holy scriptures to be of divine authority, he shall, for the first offence, be rendered incapable of holding any office or place of trust ; and, for the second, be rendered incapable of bringing any action, being guardian, executor, legatee, or purchaser of lands, and suffer three years imprisonment without bail : — Yet, if he repents after the first offence, and will renounce his error in open Court, within four months, after his conviction, he is then to be discharged from all disabilities.*

Q. Is there any punishment for persons reviling or speaking in derogation of the ordinances of the national Church ?

A. Yes. It is enacted by statutes 1 Edward VI. c. 1, and 1 Elizabeth, c. 1, that whoever reviles the sacrament of the Lord's Supper shall be punished by fine and imprisonment : And by the statute 1 Elizabeth, c. 2, if any Minister shall speak any

* Tho' the editor is well aware, that he should be only laughed at, by the *self-wise* gentlemen alluded to, were he to pretend that the terror of human laws could *force* rational beings to believe the divinity of any particular religion, yet he has been strongly induced to introduce this subject, that, if they are not content with their own apostacy, they may, at least, desist from seducing others, when they know the risk they run by pursuing so nefarious a practice.

thing in derogation of the book of common prayer, he shall, if not beneficed, be imprisoned one year for the first offence, and for life for the second: And, if he be beneficed, he shall for the first offence be imprisoned six months, and forfeit one year's value of his benefice; for the second offence he shall be deprived, and suffer one year's imprisonment; and, for the third, shall in like manner be deprived, and suffer imprisonment for life. And if *any person* whosoever shall in plays, songs, or other open words, speak any thing in derogation, depraving, or despising of the said book, or shall forcibly prevent the reading of it, or cause any other service to be used in its stead, he shall forfeit for the first offence an hundred marks; for the second, four hundred; and for the third shall forfeit all his goods and chattels, and suffer imprisonment for life.*

* "These penalties were framed in the infancy of our present establishment, when the disciples of Rome and Geneva united in inveighing with the utmost bitterness against the English liturgy: And the terror of these laws (for they seldom, if ever, were fully executed) proved a principal means, under Providence, of preserving the purity as well as decency of our national worship. Nor can their continuance to this time (of the milder penalties at least) be thought too severe and intolerant; so far as they are levelled at the offence, not of *thinking* differently from the national Church, but of *railling* at that Church and *obstruſſing* its ordinances, for not submitting its public judgment to the private opinion of others. For, tho' it is clear, that no restraint should be laid upon rational and dispassionate discussions of the rectitude and propriety of the established mode of worship; yet contumely and contempt are what no establishment can tolerate." — BLACKSTONE.

Notwithstanding this respectable authority, the Editor is of opinion, that the *continuance* of those severe statutes (tho' it is extremely necessary to guard the rites and ordinances of *every* denomination of Christians from the revilings of ungodly persons) carries with them, in the magnitude of their penalties, too much of the spirit of persecution, to be worthy the followers of Him who has taught us to return good for evil: And it is no justification for the members of our Church to plead, by way of recrimination, that "by an ordinance 23 August, 1645, which continued till the restoration, to preach, write, or print, any thing in derogation or depraving of the *directory*, for the then

Q. Are not public offences against Almighty God punishable by our laws ?

A. Yes. *Blaspheming* him, by “ denying his being or Providence, or by contumacious reproaches of our Saviour “ Christ,” is punishable by fine, imprisonment, and other corporal punishment ; as is also “ profane *scolding* at the holy Scripture, or exposing it to *contempt* and *ridicule* :” As “ Christianity is part of the laws of England.” — And by statute 19 George I. c. 21, every labourer, sailor, or soldier, profanely *curfing* and *swearing*, is to forfeit one shilling, every other person under the degree of a gentleman two shillings, and every gentleman or person of superior rank five shillings, to the poor of the parish ; and, on a second conviction, double ; and for every subsequent offence, treble the sum first forfeited ; with all charges of conviction : And in default of payment, to be sent to the house of correction for ten days. Any Justice of the Peace may convict upon his own hearing, or the testimony of one witness : And any constable or peace officer, upon his own hearing, may secure any offender, and carry him before a Justice, and there convict him. If any Justice omits his duty, he forfeits five pounds, and the constable forty shillings. And the act is to be read in all parish churches, and public chapels, the Sunday after every quarter day, on pain of five pounds, to be levied by warrant from any Justice. — Also it is enacted, by statute 8 James I. c. 21, that if in any stage play, interlude, or shew, the name of the holy Trinity, or any of the persons therein, be jestingly or profanely used, the offender shall forfeit ten pounds ; one moiety to the King, and the other to the informer.

Q. Is there no law to prevent *simony*, or the corrupt appointment or ordination of Ministers ?

A. Yes. The statute 31 Elizabeth, c. 6, enacts, that if any patron, for money or any other corrupt consideration or promise,

“ established Presbyterian worship, subjected the offender, upon “ indictment, to a discretionary fine, not exceeding fifty pounds.”

directly or indirectly given, shall present, admit, institute, induct, install, or collate any person to an ecclesiastical benefice or dignity, both the giver and taker shall forfeit two years' value of the benefice or dignity; one moiety to the King, and the other to any person one who will sue for the same. If persons also corruptly resign or exchange their benefices, both the giver and taker shall in like manner forfeit double the value of the money or other corrupt consideration. And persons who shall corruptly ordain or license any Minister, or procure him to be ordained or licensed ("which is the true idea of simony") shall incur a like forfeiture of forty pounds; and the Minister himself of ten pounds, besides an incapacity to hold any ecclesiastical preferment for seven years afterwards. Corrupt elections and resignations in colleges, hospitals, and other eleemosynary corporations, are also punished by the same statute with forfeiture of the double value, vacating the place or office, and a devolution of the right of election for that turn to the Crown.

Q. Are there no laws to prevent the profanation of the Lord's Day or Christian Sabbath?

A. Yes: By several statutes; but particularly by 29 Charles II. c. 7, by which *no person* is allowed to *work* on the Lord's Day, or use any boat or barge, or expose *any goods* to sale; except meat in public houses, milk at certain hours, and works of necessity or charity, on the forfeiture of five shillings: But, notwithstanding the mildness of the penalty, this statute is but seldom enforced. — There is also a statute passed, 23 George III. c. 49, which enacts that any house, room, or other place, which shall be opened or used for public entertainment or amusement, or for publicly debating on any subject whatsoever, within the cities of London and Westminster, or in the neighbourhood thereof, upon any part of the Lord's Day called Sunday, and to which persons shall be admitted by the payment of money, or by tickets sold for money, shall be deemed a disorderly house or place; and the keeper of such house, room, or place, shall forfeit the sum of 20*l.* for every day that such house, room, or place, shall be opened or used as aforesaid on the Lord's Day, to such person as will sue for the same; and be otherwise punish-

able as the law directs in cases of disorderly houses : And the person managing or conducting such entertainment or amusement on the Lord's Day, or acting as master of the ceremonies there, or as moderator, president, or chairman of any such meeting for public debate on the Lord's Day, shall likewise for every such offence forfeit the sum of 100*l.* to such person as will sue for the same ; and every door-keeper, servant, or other person who shall collect or receive money or tickets from persons assembling at such house, room, or place, on the Lord's Day, or who shall deliver out tickets for admitting persons to such house, room, or place, on the Lord's Day, shall also forfeit the sum of 50*l.* to such person as will sue for the same : And that any person advertising or causing to be advertised any public entertainment or amusement, or any public meeting for debating on any subject whatsoever, on the Lord's Day, to which persons are to be admitted by the payment of money, or by tickets sold for money ; and any person printing or publishing any such advertisement, shall respectively forfeit the sum of 50*l.* for every such offence, to any person who will sue for the same.*

* It is well understood that this statute (if not originally purposed by) met the entire approbation of our most gracious Sovereign, who spends those days set apart for public worship in a manner far different from too many of the Great, whose conduct, it is supposed, was the occasion of this law's being passed.

“ Besides the notorious indecency and scandal, of permitting
 “ any secular business to be publicly transacted on that day, in
 “ a country professing Christianity, and the corruption of morals
 “ which usually follows its profanation, the keeping one day
 “ in seven holy, as a time of relaxation and refreshment, as well
 “ as for public worship, is of admirable service to a State, considered merely as a civil institution. It humanizes by the help
 “ of conversation and society the manners of the lower classes ;
 “ which would otherwise degenerate into a sordid ferocity and
 “ savage selfishness of spirit : It enables the industrious workman
 “ to pursue his occupation in the ensuing week with health and
 “ cheerfulness : It imprints on the minds of the people that
 “ sense of their duty to God, so necessary to make them good
 “ citizens ; but which yet would be worn out and defaced by an
 “ unremitted continuance of labour, without any stated times of
 “ recalling them to the worship of their Maker.”

BLACKSTONE,

Q. Are there no descriptions of rank among the people of this country, besides those of the Lords Spiritual and Temporal?

A. Yes. Independent of the various dignitaries and inferior orders of the Clergy, there are, in our tables of precedence, at least twenty degrees of rank, among the Commons, above an Esquire; and five degrees of subordination below that *title*, viz. Gentlemen, Yeomen, Tradesmen, Artificers, and Labourers.

Q. Is subordination of rank necessary for the good of the community?

A. Yes: It very happily tends to its good order and regulation; * and tho' some of the *names* by which the superior ranks of society are distinguished may appear in the present day (when men are estimated more for urbanity of manners than for feats of chivalry) somewhat vain, or perhaps ridiculous, yet the proper submission and respect, due from persons in inferior stations to their superiors, will ever remain indispensable, not only whilst good manners, but whilst Christian benevolence, civil authority, elevated worth, exalted wisdom, diffusive patronage (to which may be added the positive commands in holy writ) claim respect among mankind. — But the higher orders have no right to exercise their superiority even to degrade,† much less to the in-

* The Scriptures teach us that there are various orders of superiority and subordination even in Heaven, where the most perfect Constitution must inevitably exist.

† It puts human nature to the blush when men degrade their fellow men: And it is to be hoped, that a celebrated Privy Counsellor will at least blush for himself, before he departs this life, and stands among that amazing multitude of equals which shall one day appear together, that he ever prided himself so much in his own consequence as to term any class below him a swinish multitude; or he will *then* have to learn, that he only degrades himself when he treats his fellow creatures with contumely and contempt. — How much does it rather become our great men, whilst they daily see persons, descended from the highest orders of subjects, falling still lower and lower in the scale of society, by the unerring will of Providence, to cheer the hearts

jury of the lower : And, in fact, when it is not applied to their benefit, the man of rank abuses and is unworthy of his ascendancy ; — nay, in the eye of Reason (which should ever accompany the regulations of civil society) he has no ascendancy whatever ; but is far below every other man who does his duty in that station of life to which it has pleased God to call him.

Q. Is there not another very numerous order of men among the Commons of Great Britain ?

A. Yes ; the poor : Who are continually forming that order out of *all* ranks, or from the descendants of all.

Q. How is it that the descendants of the Peerage can become actually poor ?

A. It may be partly occasioned by the law of primogeniture, which secures the patrimonial estate to the eldest son, and too often leaves the daughters and younger sons almost immediately dependant ; and though patronage, for a generation or two, generally provides for them and their offspring, yet as they become further and further removed from consanguinity and intimacy with the head of the family and his friends, there are, at length, very many descendants from the most illustrious houses to be found in extreme indigence. — And this declination to the depths of adversity may be partly owing to the continual idea of superiority which too many descendants of great families carry about them, after it is no longer real, but imaginary and idle ; and which frequently prevents them from bringing up their children in habits of industry : Indeed, it must be principally owing to this cause, that the poor offspring of such become more troublesome, miserable, and helpless, in general, than those poor

of their inferiors, by teaching them to admire that beautiful and systematic order of ascension, so delightfully interwoven into our Constitution, whereby persons even of the lowest descriptions may rise, and, by the same superintending Power, have risen, to the highest honors both in Church and State ; — that one particular feat excepted, which, to prevent bloodshed, anarchy, and all the horrors of civil contention, our Legislators have wisely placed out of reach.

who are immediately descended from yeomen, tradesmen, artificers, and labourers; because the latter are usually inured, when health and other blessings of divine Providence permit, to bodily labour for subsistence, and can, generally, add some *little* thereby not only to their parochial pay, but to their comfort and amusement, when sick, lame, or otherwise afflicted; whilst the former, having ever considered it as a drudgery *beneath* them, cannot even think of it as an assistance in times of sickness and severe affliction.

Q. What is the benefit of the law of primogeniture?

A. It prevents the Aristocratic part of the Government from falling into disesteem, by preserving that grandeur and importance which are thought necessary to descend with the titles of Peers.

Q. How are the poor provided for?

A. Before the Reformation, they were supported, principally by the Monasteries and well-disposed Christians of all ranks; tho' by the common law, long previous to that period, they were to be "sustained by Parsons, Rectors of the Church, and the parishioners, so that none of them die for want of sustenance."

— After the total dissolution of the religious houses, various statutes were made, in the reign of Henry VIII. for providing for the poor and impotent. And his successor, Edward VI. founded three Royal hospitals in the metropolis for them; viz. Christ's and St. Thomas', for the sick and impotent; and Bridewell, for the punishment and employment of the vigorous and idle. But these being insufficient for the poor throughout the kingdom, *Overseers of the poor* were appointed in every parish (by statute 43 Elizabeth) who were empowered to raise sums, in their respectable parishes, for the *necessary* relief of the poor, impotent, old, blind, &c. "*not able to work*," and also "*to provide work*" for such as are able and cannot otherwise get employment.*

* "This latter part of their duty, which, according to the wise regulations of that salutary statute, should go hand in hand with the other, is now most shamefully neglected."

Q. Are then, no poor persons, who are able to work, without employment ?

A. It is too evident that many thousands are, and are thereby *obliged* to be a pecuniary burthen to their respective parishes ; partaking of that support which should be confined to the “ *im-
“ potent*” only, and, too frequently, thro’ habits of unavoidable indolence, running into actual vice ; whilst, with respect to the far greater part, there is no doubt but their natural industry, if put into *early* and proper circulation by those who have the means, would have been cheerfully employed to procure every provision for their real wants.*

Q. Do not the sums now annually raised for the service of the poor far exceed those raised in the reign of Queen Elizabeth ?

A. Yes ; very far, indeed : In some parishes, it has been asserted, an hundred fold.

Q. What is this vast increase to be attributed to ?

A. Partly to the many deficiencies with respect to employment, which appear to be still increasing : Partly to the great variety of impositions, which are too frequently practised upon the parish officers : Partly to the neglect, or partiality, of some of those officers : Partly to the *intricacy* of our poor laws ; several having passed since that of 43 Elizabeth†, no doubt, with

* “ If no children were removed from their parents, but
“ such as are brought up in rags and idleness : And if every
“ poor man and his family were regularly furnished with employ-
“ ment, and allowed the whole profits of their labour ; — a
“ spirit of busy cheerfulness would soon diffuse itself through
“ every cottage ; work would become easy and habitual, when
“ absolutely necessary for daily subsistence ; and the peasant
“ would go through his work without a murmur, if assured
“ that he and his children (when incapable of work through
“ infancy, age, or infirmity) would then, and then only, be
“ entitled to support from his opulent neighbours.” —
BLACKSTONE.

† “ The only defect [in that statute] was confining the ma-
“ nagement of the poor to small, parochial, districts ; which are
“ frequently incapable of furnishing proper work, or providing an
“ able director. However, the laborious poor were then at liberty
“ to seek employment wherever it was to be had ; none being

a view to its amendment ; but, in fact, they tend, in most instances, to the contrary ; and have been creative of numerous, expensive, and disastrous law-suits.* But the increase is *principally* attributable to the many foreign wars in which this nation has been involved, particularly during the present century ; whereby not only many thousands of women and children are thrown upon their respective parishes, in the first instance ; but very numerous bodies of men, returning from a warlike (too often a plundering) occupation, cannot again reconcile themselves to, nor always procure the means of, an industrious life ; but, after pursuing an

“ obliged to reside in places of their settlement, but such as were
 “ unable or unwilling to work ; and those places of settlement being
 “ only such where they were *born*, or had made their *abode*,
 “ originally for three years, and afterwards (in the case of vaga-
 “ bonds) for one year only.” ————— BLACKSTONE.

* It would require a small volume of itself to give an adequate account of these laws and their consequences. The principal of them relate to *settlement*, or the acquiring a parish, which may be by birth, parentage, inhabitancy, service, or apprenticeship ; *removal*, *notice*, *certificates*, *marriage*, payment of *taxes*, &c. &c. &c.

“ Notwithstanding the pains that have been taken about them
 “ [the poor laws] they still remain very imperfect, and inade-
 “ quate to the purposes they are designed for : A fate, that has
 “ generally attended most of our statute laws, where they have
 “ not the foundation of the common law to build on. When
 “ the shires, the hundreds, and the tithings, were kept in the
 “ same admirable order in which they were disposed by the
 “ great Alfred, there were no persons idle, consequently none
 “ but the impotent that needed relief : And the statute of 43
 “ Elizabeth seems entirely founded on the same principle. But
 “ when this excellent scheme was neglected and departed from,
 “ we cannot but observe, with concern, what miserable shifts
 “ and lame expedients have from time to time been adopted, in
 “ order to patch up the flaws occasioned by this neglect. There
 “ is not a more necessary or more certain maxim in the frame
 “ and constitution of society, than that every individual must
 “ contribute his share, in order to the well-being of the commu-
 “ nity : And surely they must be very deficient in sound policy,
 “ who suffer one half of a parish to continue idle, dissolute, and
 “ unemployed ; and at length are amazed to find, that the indus-
 “ try of the other half is not able to maintain the whole.” ———
 BLACKSTONE.

itinerant and dissolute course, resort themselves, when old and impotent, to the parish for support.

Q. Are there no means to prevent itinerancy and dissoluteness in discharged seamen and soldiers?

A. Yes : Many of them. Such as are badly maimed or wounded, or have been disabled by length of service, are admitted as in or out pensioners of the Royal Hospitals at Greenwich and Chelsea : And as to the rest (the *multitude*) by statute 39 Elizabeth, c. 17, idle *soldiers and sailors* wandering about this realm (without a pass from a Justice of the Peace) or persons pretending to be such, are made guilty of *felony* without benefit of clergy !!! *

Q. Is there no other cause of the great increase in our poor rates?

A. Undoubtedly, the increase of taxes, for many years past, must have occasioned numerous persons to *lose the equilibrium* in their endeavors to balance their æconomical concerns, and, of course, to fall into poverty : But far more have fallen through the increase of luxury, idleness, and gaming.†

* “ This sanguinary law, though in practice deservedly antiquated, still remains a disgrace to our statute-book : Yet attended with this mitigation, that the offender may be delivered, if any honest freeholder or other person of substance will take him into his service, and he abides in the same for one year ; unless licensed to depart from his employer, who in such case shall forfeit ten pounds.”——BLACKSTONE.

† With respect to *luxury*, that destructive bane of society, which has destroyed more States (not to say families) than ever the sword did, we have no other law to prevent it, at this day, tho’ there were many formerly, than the statute of 10 Edward III. which ordains, that no person shall be served with more than two courses at dinner or supper, except on certain great holidays on which three may be served. —As to *idleness*, there are very wholesome laws to prevent it in the lower classes, especially in respect to vagrancy ; though it is much to be lamented, that too many of those who meet the punishment of such laws are persons who are not wilfully offenders, and require our pity far more than the correction, while the intentionally guilty

Q. Have the poor any moral or religious claims on their fellow subjects, consistently with the spirit of our laws?

A. The laws of Providence assert the affirmative, in the strongest language, not only by entrusting the affluent with the means, and bestowing on the compassionate a desire, to satisfy those claims; but by continually, or occasionally, varying the situations of *all the families of the earth*, so that as all may, in their turns, have assisted the necessitous, they may also, in their turns, have a claim to the assistance of others. And the *revealed* religion, contained in the holy scriptures, abounds with confirmation, that the rich are stewards for the poor; (whilst, on their part, humility and thankfulness are equally incumbent.) It is on the basis of these moral and religious claims that *our poor laws are founded*; tho' it must be confessed that, in their application, morality, religion, and, not seldom, fellow-feeling, seem absolutely forgotten.

Q. What is the moral duty of every subject of the Crown of these realms?

A. To be a constant example for good, by doing every thing he possibly can do, in his proper station, not only to conform *himself* to the laws and the true principles of the Constitution;

(who generally practise some greater vice to support them in their idleness) are for the more part artful enough to evade justice, tho' it, sometimes, overtakes them when they least expect it. But as to the superior orders, there is no law to prevent this great evil; and, indeed, the far greater part of these suppose themselves justified in it, not attending to that excellent maxim of the Chinese, which will well apply to all nations, that "*tho' the idle person may shift off want from himself, it must, in the end, fall somewhere*;" for tho' it is not with us, as with them, that the land, with culture, will yield no more produce than will maintain the inhabitants, yet many suffer "*cold and hunger*," which these idlers might prevent or mitigate; whilst, on the contrary, many of them are pursuing such evil courses as *may*, ultimately, bring them to the same extremity. With regard to *gaming*, our Legislators have enacted many very proper (I wish I could add effectual) statutes, to prevent it in persons of all ranks.

by a steady exertion of his obedience and zeal, but to prevent *others*, in whatever stations they may be, from acting in opposition thereto: And also to do all he legally can do to remedy such evils therein as he may have *himself* occasioned or assented to, or which *others* may have occasioned or assented to. — But to do nothing unconstitutionally, on any pretence whatever.

Q. What is the religious duty of every subject of the Crown?

A. To fear God; to honor the King; to obey the law; and, in their respective stations, to be constant examples, each to the other, of piety, benevolence, humility, and thankfulness.

✍ After the *answer* to the *third* question, in page 36, the reader is requested to subjoin the following words, in consequence of two very important acts of Parliament, passed since this Catechism was put to press.

In the *present exigence*, there are two temporary statutes made, which have somewhat the appearance of “*requisitions*,” but which, it is to be hoped, will not be too frequently or rashly adopted as precedents; — the one for raising a certain number of men in every port of the kingdom, for the service of his Majesty’s navy; for which purpose, and till the completion of the number, an embargo has been laid on the shipping in each port respectively; — the other for raising a certain number of landmen in every county, for the same service.

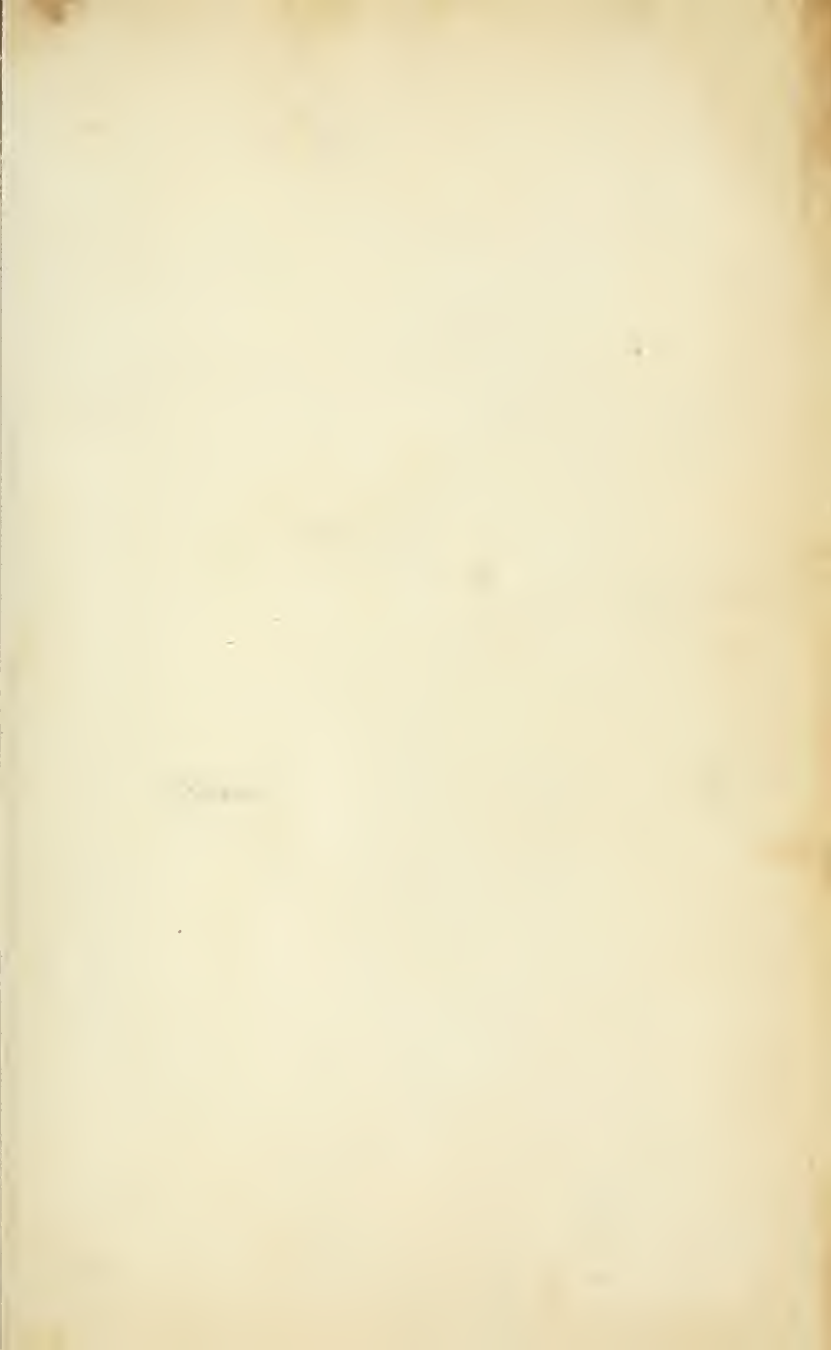
ERRATA.

In page 10, line 14, *for* influ-sufficient, *read* influence sufficient.

In page 23, first line of the note, *for* privileges, *read* privilege.







Dear

